



Goulburn Mulwaree Council

**Planning Proposal to rezone part of Teneriffe, 133 Marys Mount
Road, Goulburn to Residential**

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September 2021

Gateway Version

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Introduction

This planning proposal seeks to rezone a small section of RU6 Rural Transition zoned land within an approved residential subdivision to R2 Low Density Residential to match the remainder of the lot. The planning proposal is also seeking to amend the minimum lot size of 20ha on the RU6 zoned land to 700m² to match the majority of the lot.

The subject site comprises lot 184, DP 1250044 at 133 Marys Mount Road and is located on the northern fringe of the Goulburn Urban area, as illustrated in **Figure 1** below.

Figure 1: Subject Site location on Goulburn Urban Fringe



The site stands within the Middle Arm West Urban release area identified in the adopted Urban and Fringe Housing Strategy for low density residential development with 700m² minimum lot sizes.

The subject site is 22.6 hectares in size and currently has a split zoning, as illustrated in **Figure 2**, with approximately 2.5 hectares of the site zoned RU6 Rural Transition Zone with a 20 hectare minimum lot size, illustrated in **Figure 3**.

Figure 2: Split Zoning on Subject Site

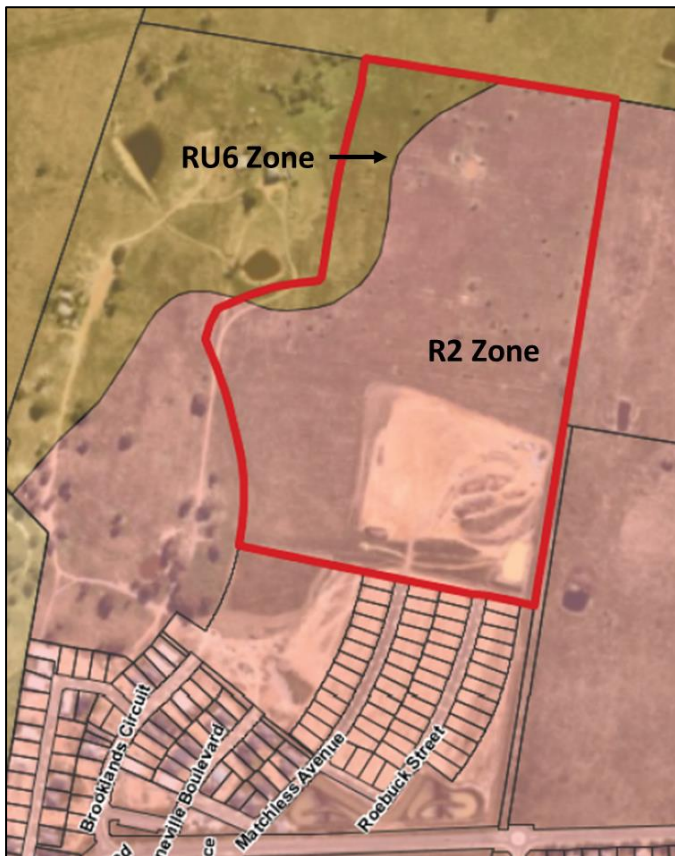
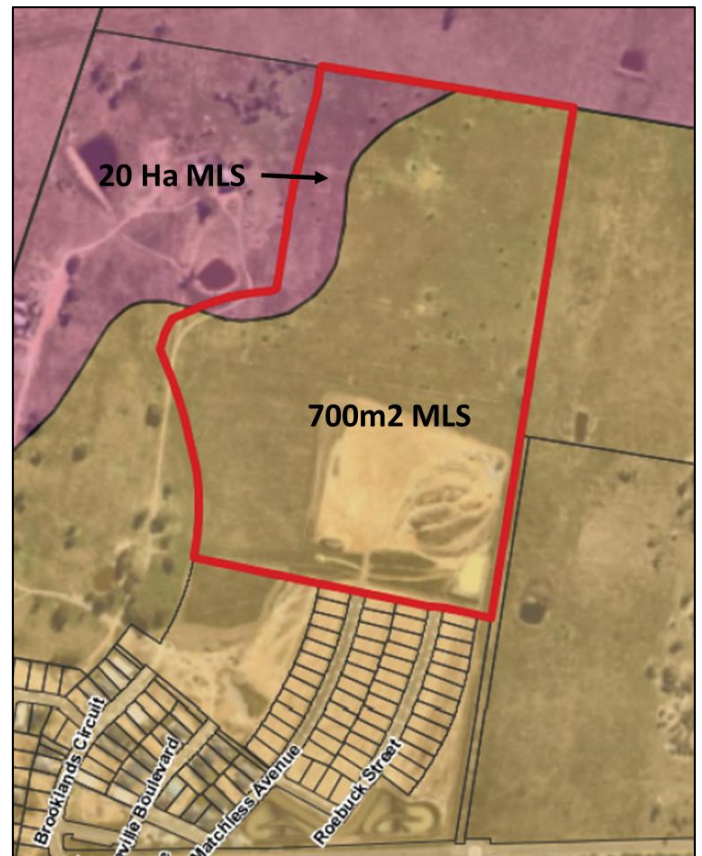


Figure 3: Split Minimum Lot Size (MLS) on Subject Site



A development consent for this site was issued for a two stage residential subdivision on 27 September 2018 (DA/0183/1718). The wider residential development is known as Teneriffe. The consent was modified and approved in 2019 to split the subdivision into 7 stages. This planning proposal relates to stage 2D2 which is the final stage in the Teneriffe residential subdivision. The approved residential subdivision plan is available in **Appendix 1**.

Condition 74 of the development consent recognised that some peripheral proposed blocks would fall within this RU6 Transition zone. At the time of approval, the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) did not include a requirement for the application of minimum lot sizes for community or strata subdivisions within the RU6 Transition Zone. Therefore to enable the subdivision of the area falling within the RU6 Transition Zone without applying the extensive 20 hectare minimum lot size, the approval of these lots were restricted to Community Title to ensure compliance with the GM LEP at that time.

A copy of the development consent including condition 74 is available in **Appendix 2**.

The majority of the site which fell within the R2 Low Density Residential Zone is subdivided under Torrens title and approximately 21 lots within the RU6 Transition Zone are subdivided under Community Title.

Since the approval of this subdivision the GM LEP has been revised through Amendment 19. This amended Clause 4.1AA and 4.2B to include the RU6 Transition Zone in the list of zones upon which minimum lot sizes would apply for community and strata title subdivisions.

Despite the amendment to the GM LEP 2009, the approved subdivision can still go ahead under its original development consent with all lots within the RU6 Transition Zone still subject

to Community Title. However the developer and applicant is now seeking that all lots within the subdivision are consistently zoned R2 Low Density Residential. A copy of the applicants request for a planning proposal for the partial rezoning of the site is available in **Appendix 3**.

This zoning and minimum lot size amendment to GM LEP 2009 would enable all approved lots to be registered under Torrens Title and ensure that future owners of the lots are not subject to body corporate fees, maintenance or upkeep requirements associated with Community Title.

Given that the subdivision of the relevant lots (Zoned RU6 Transition Zone) has already been approved via Community Title all relevant studies and assessments have already been completed and the site found acceptable to proceed subject to a range of conditions of consent. The studies and assessments considered in the development assessment process include, but are not limited to:

- Bushfire Assessment Report
- Flora and Fauna Assessment
- Conservation Management Plan
- Aboriginal Cultural Heritage Due Diligence Assessment
- Water Cycle Management Plan
- Landscape Management Plan
- Tree Management Plan

This planning proposal, through the rezoning of part of the land from RU6 Transition Zone to R2 Low Density Residential and amendment of the corresponding minimum lot size would not change what is already approved “on the ground”, with the same development scheme being progressed. The only material affect is that the amendment would enable a change of 21 approved Community Title lots to Torrens Title.

Part 1- Objectives

1.1 Intended Outcomes

- 1.1.1** The objective of this planning proposal is to provide for the consistent application of planning provisions (zoning and minimum lot size) under GM LEP 2009 to an approved residential subdivision across the whole of Lot 184, DP 1250044 (the subject site).

Part 2- Explanation of Provisions

- 2.1** The *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) will be amended by:

- Amending the land use zoning map of the GM LEP 2009 for lot 184, DP 1250044 to remove the RU6 Transition zone from part of the lot and extend the R2 land use zone across the entire lot.
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lot 184, DP 1250044 to remove the 20ha minimum lot size from part of the lot and extend the 700m² minimum lot size across the entire lot.

Part 3- Justification

Section A- Need for a planning proposal

3.1 Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result any strategic study or report. It is a result of a request by the developer of the Tenerife subdivision to enable the establishment of consistent planning provisions under GM LEP 2009 across an area already the subject of an approved residential subdivision. The planning proposal is consistent with the *Goulburn Mulwaree Urban and Fringe Housing Strategy* which identifies opportunities for further infill residential development within the Marys Mount Precinct.

Goulburn Mulwaree Council resolved to proceed with a planning proposal to amend GM LEP 2009 following the consideration of a report on this matter presented to Council on 20 July 2021 a copy of the Council Report and Resolution is available in **Appendix 4**.

3.2 Is the planning proposal the best means of achieving the objectives or intended outcome, or is there a better way?

The planning proposal to amend the RU6 Transition zoning and minimum lot size on part of the subject site is the only means of enabling Torrens Title subdivision of the lots which fall within this zone due to Clause 4.1AA of the GM LEP 2009 which restricts land subdivision within the RU6 Transition Zone to a 20 hectare minimum lot size.

Section B- Relationship to Strategic Planning Framework

3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

3.3.1 South East and Tablelands Regional Plan

This planning proposal is consistent with the *South East and Tablelands Regional Plan* with particular reference to *Direction 25: Focus Housing Growth in locations that maximise infrastructure and services*.

Direction 25 includes actions which seek the maximisation of existing infrastructure and services, prioritises increased densities in existing urban areas and prioritises new release areas which are an extension to existing centres.

The subject site is part of a wider urban release area on the urban fringe of Goulburn where existing infrastructure such as water, sewer, roads and open space is provided. The density of the approved subdivision accords with the minimum lot size of the LEP of 700m², including the lots/area subject to this planning proposal, albeit under a Community Title. The development of this site is consistent with the Urban and Fringe Housing Strategy which sets out new housing release areas and seeks to maximise existing infrastructure and services. The subject site is therefore a prioritised release area which is an extension of the Goulburn urban area and serviced by existing infrastructure. The planning proposal would serve to further enable the development of this site and ensure consistency of planning provisions across the site.

3.3.2 The Tablelands Regional Community Strategic Plan 2016-2036

The *Tablelands Regional Community Strategic Plan* identifies priorities in order to achieve the future vision for the region. These include:

- Environment
- Economy
- Infrastructure
- Civic Leadership

The following strategic priorities are considered relevant to this planning proposal:

- **Environment Strategy EN1-** *Protect and enhance the existing natural environment, including flora and fauna native to the region which includes maintaining our rural landscape*
- **Environment Strategy EN4-** *Maintain a balance between growth, development and environmental protection through sensible planning*
- **Our Community Strategy CO5-** *Maintain our rural lifestyle. This includes implementing planning decisions that ensure the protection of rural and village lifestyles while planning for population growth and community sustainability.*

The subject site is encroached over a small part of its area by the rural RU6 Transition Zone. This zoning was applied to the subject site just prior to the creation of the GM LEP 2009 and before the later adoption of the Urban and Fringe Housing Strategy in 2020. The application of the RU6 Transition Zone was imposed over part of the Tenerife site, reflecting at the time the limit to the service extent of Goulburn's reticulated water supply (due to elevation). It was also partly to reflect the ridgelines in the area.

The principal intention for the encroachment of the RU6 Transition Zone onto the subject site was not to maintain the rural landscape but primarily to establish the limits on where adequate infrastructure and servicing could be achieved.

Internal discussions with the Council's Utilities Directorate, alongside the determination of DA/0183/1718 highlights the RU6 zoned land is now serviceable by Goulburn's reticulated water supply and has been assessed and as not having a visual impact upon the ridgeline.

Therefore the proposed small section of the site identified in this planning proposal for rezoning from RU6 Transition to R2 Low Density Residential, combined with the existing subdivision approval would not adversely affect the wider rural landscape or rural lifestyles beyond the site.

The identification of the subject area within the *Urban and Fringe Housing Strategy* for 700m² serviceable lots and the corresponding development consent both seek to implement a sensible planning approach to balancing growth with environmental protection. This planning proposal does not seek to change this balance only to ensure conformity of planning provisions across the subdivision to align with the predominant R2 Low Density Residential zoning.

This planning proposal is therefore consistent with the *Tablelands Regional Community Strategic Plan* as it seeks to balance growth without adversely affecting the wider rural landscape and rural lifestyles through sensible planning.

3.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan

3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020)

The LSPS seeks to direct how future growth and change will be managed up to 2040 and beyond and sets out key issues and opportunities for managing urban, rural and natural environments across the local government area.

The LSPS includes **Planning Priority 4- Housing** which establishes the principle that Goulburn should continue to be the focus of housing growth in the region supported by relevant infrastructure. It also highlights that a key land use challenge is to meet the housing supply and type required for a growing population. A primary action in meeting this challenge is the implementation of the *Urban and Fringe Housing Strategy* which sets out housing growth areas.

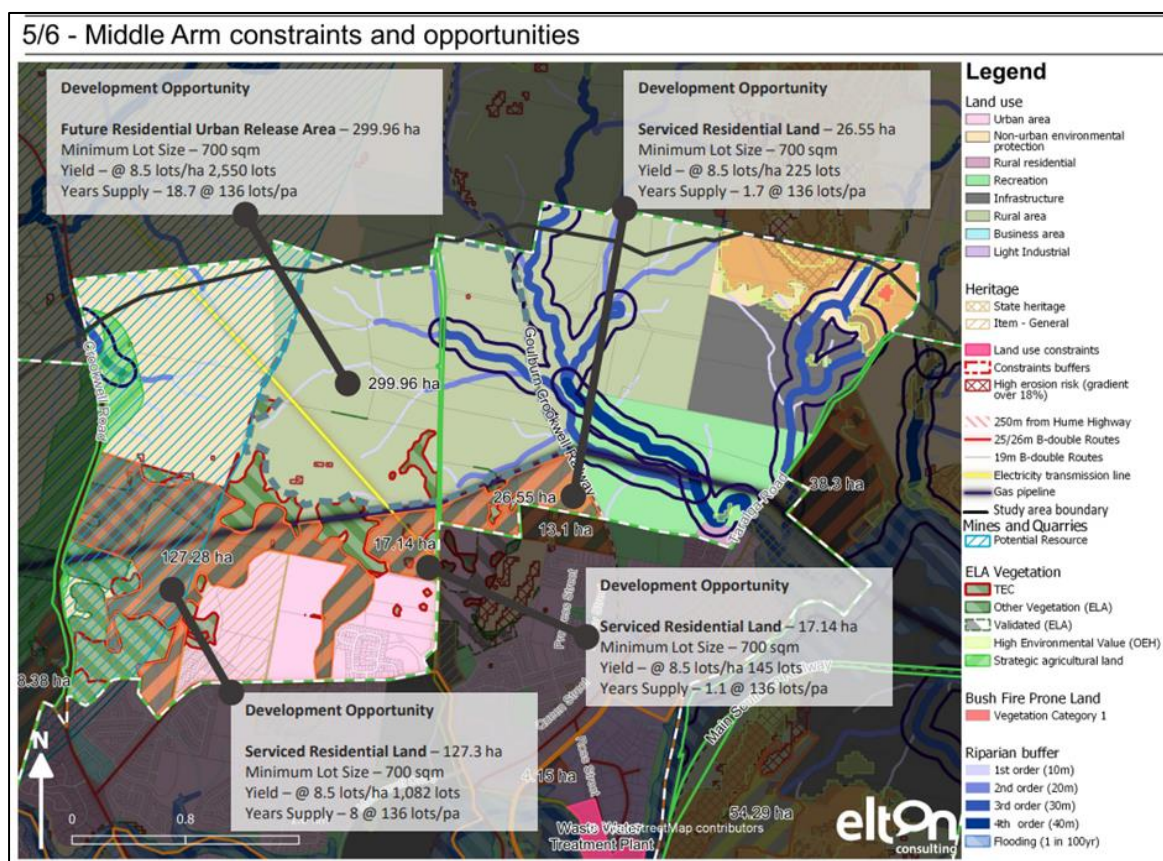
This planning proposal seeks the rezoning of an area of RU6 Transition Zone land which encroaches over a small portion of an already approved residential subdivision. This approved subdivision is located on the urban fringe of Goulburn in an urban opportunity area identified with the *Urban and Fringe Housing Strategy*. The development of this site for 700m² residential lots is supported by infrastructure and will contribute to meeting the housing supply challenge for a growing population and does this in accordance with primary action of implementing the *Urban and Fringe Housing Strategy*. This planning proposal would serve to further enable the development of this site and ensure consistency of Torrens titles across all subdivided blocks.

Whilst this planning proposal is minor in scale and significance it is considered to further enable the development of an already approved residential subdivision which delivers on the actions in the *LSPS* and *Urban and Fringe Housing Strategy*. This planning proposal is consistent with the Local Strategic Planning Statement.

3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (Adopted July 2020)

The subject site is directly identified in the *Urban and Fringe Housing Strategy* (UFHS) as an urban release area in the Middle Arm West Precinct, as illustrated in Figure 4.

Figure 4: Middle Arm West Diagram- Exert from Urban and Fringe Housing Strategy



The recommendations for this precinct are:

- Rezone land immediately adjoining the existing urban fringe in the short/medium term to urban residential
- Long term development opportunity subject to detailed masterplan and comprehensive Aboriginal Cultural Heritage Assessment
- Include urban release area provisions
- Medium to high priority

The Strategy also defines the area as a development opportunity as for serviced residential lots with a minimum lot size of 700 m².

The UFHS therefore identifies the precinct as suitable for immediate release into 700m² residential lots subject to relevant site specific environmental assessments and approval processes.

The site has is subject to a development consent for 700m² residential lots under DA/0183/1718 which has addressed all relevant site planning considerations. The already approved scheme will deliver the recommendations for part of the Middle Arm West precinct and this planning proposal seeks to further reinforce these recommendations by ensuring all the land within the approved subdivision is rezoned urban residential.

This planning proposal to rezone and amend the minimum lot size for a portion the Middle Arm West urban release area is consistent with the recommendations of the *Urban and Fringe Housing Strategy*.

3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP)?

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

This State Environmental Planning Policy (SEPP) requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. It identifies the aims of the SEPP as follows:

- To provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- To provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality, and
- To support the maintenance or achievement of the water quality objectives for the Sydney Drinking Water Catchment

Comment: This proposal does not seek to increase the residential density of the subject site which has already been approved through DA/0183/1718. It only seeks to enable consistent zoning and minimum lot size provisions within the approved subdivision. The development application for the residential subdivision was subject to, and met the requirements of, the NorBE test and received Water NSW concurrence on 22 January 2018.

As such, the impacts on the water catchment have already been assessed and this proposal would not result in any change to development proposed on the ground. This planning proposal is consistent with this SEPP.

Water NSW provided a pre-gateway referral response on 7 September 2021 and agreed with the conclusion that the planning proposal is consistent with the SEPP.

Water NSW pre-referral response is available in **Appendix 7**.

Further information on safeguarding water quality is provided in **Section 3.6** of this report under *Direction 5.2 Sydney Drinking Water Catchment*.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

The aims of this State Environmental Planning Policy are to:

- (a) facilitate the orderly economic use and development of lands for primary production,
- (b) reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) encourage sustainable agriculture, including sustainable aquaculture,
- (f) require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

Comment: Whilst this planning proposal seeks the rezoning of a small portion of RU6 Rural Transition land, the approved development application provides consent for a residential subdivision with 700m² lots within this area. This is consistent with the wider areas identified in the Middle Arm West precinct and the recommendations of the *Urban and Fringe Housing Strategy*. This planning proposal would not, therefore, reduce the amount of land available for primary production or rural development and does not impact on state significant agricultural land, aquaculture or oyster aquaculture.

This planning proposal is not inconsistent with *State Environmental Planning Policy (Primary Production and Rural Development) 2019*.

State Environmental Planning Policy No.55 Remediation of Land

The object of this policy is:

1. To provide for a State-wide planning approach to the remediation of contaminated land.
2. In particular, this policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment-
 - a. By specifying when consent is required, and when it is not required, for remediation work, and
 - b. By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

- c. By requiring that a remediation work meet certain standards and notification requirements

Comment: The site is identified on the Councils Land Contamination Register indicating a potential for contamination on the site. The development application which gave consent for the whole development of the site addressed this potential for contamination through the submission of a Preliminary Site Investigation. This investigation concluded that:

`the site is suitable for the proposed subdivision and future low density residential development, subject to implementation of an unexpected finds protocol under the construction environmental management plan during pre-construction work, to manage any potential contamination that may arise during bulk excavation works`

The implementation of an unexpected finds protocol was included as Condition 11 of the development consent and Condition 35 requires that works should cease if potential site contamination is discovered during works and a contamination report prepared.

A full list of conditions of consent for the residential subdivision is available in **Appendix 2.**

The approved development application has therefore specified that remediation works would not be required unless contamination is unexpectedly found during construction, at which point a remediation plan would be required. This previous development application has appropriately considered contamination and the need for remediation in its determination. This planning proposal will not amend the development or its boundaries already approved for the subject site and is therefore consistent with *SEPP No.55 Remediation of Contaminated Land*.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

3.6.1 Direction 1.2 Rural Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of an existing rural zone boundary).

When this direction applies a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- a) Justified by a strategy which:
 - i. Gives consideration to the objectives of this direction,

- ii. Identifies the land which is subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
- iii. Is approved by the Director-General of the Department of Planning, or
- b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- c) In accordance with the relevant Regional Strategy, Regional Plan or Sub-regional strategy prepared by the Department which gives consideration to the objective of this direction, or
- d) Is of minor significance.

Comment: This planning proposal is seeking the rezoning of an area of RU6 Transition Zone land over part of an existing approved residential subdivision to R2 Low Density Residential and Direction 1.2 would therefore apply.

As noted in **Section 3.4.1 & 3.4.2** of this planning proposal, the proposed amendment to the RU6 zoning and minimum lot size adjustment aligns with the *Urban and Fringe Housing Strategy* as part of the Middle Arm West urban release area for urban residential development.

The *Urban and Fringe Housing Strategy* has given consideration to the objectives of this direction in its development and specifically highlights the land to which this proposal relates as the Middle Arm West urban release area. The Strategy has been endorsed by the NSW Department of Planning, Industry and Environment.

Notwithstanding, this planning proposal is seeking the rezoning of a small section of RU6 land which encroaches into an already approved residential subdivision. This would enable 21 lots to be considered for Torrens Title subdivision rather than via Community Title. This would have no material effect on the development provided on site and is of minor significance.

This planning proposal is not consistent with this direction however the proposal is of minor significance and is justified by a strategy which identifies the site, gives consideration to the objectives of this direction and has been formally approved by the Department of Planning Industry and Environment.

3.6.2 Direction 1.5 Rural Lands

This direction applies when a relevant planning authority prepares a planning proposal which will affect existing rural zoned land or any changes to existing minimum lot sizes of rural zoned land.

- (1) The objectives of this direction are to
 - a) Protect the agricultural production value of rural land
 - b) Facilitate the orderly and economic use and development of rural lands for rural and related purposes
 - c) Assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
 - d) Minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
 - e) Encourage sustainable land use practises and ensure the ongoing viability of agriculture on rural land,

- f) Support the delivery of the actions outlined in the New South Wales Right to Farm Policy.
- (4) When this direction applies a planning proposal must:
- a) Be consistent with any applicable strategic plan, including regional and district plans and local strategic planning statement
 - b) Consider the significance of agriculture and primary production to the State and rural communities
 - c) Identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
 - d) Consider the natural and physical constraints of the land, including but not limited to topography, size, location, water availability and ground and soil conditions
 - e) Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
 - f) Support farmers in exercising their right to farm
 - g) Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and rural land uses.
- (5) Where the proposal relates to changes to existing minimum lot sizes in rural zones the proposal must also demonstrate:
- a) It is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
 - b) Will not adversely affect the operation and viability of existing and future land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains.
 - c) Where it is for rural residential purposes is
 - I. Appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
 - II. Is necessary taking account of existing and future demand and supply of rural residential land.
- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
- a) Justified by a strategy which
 - i. Gives consideration to the objectives of this direction
 - ii. Identifies the land which is the subject of the planning proposal, and
 - iii. Is approved by the Secretary of the Department of Planning & Environment and is in force, or
 - b) is of minor significance.

Comment: The subject site includes an area of RU6 Transition zone land with a 20 hectare minimum lot size. This planning proposal is seeking the rezoning of the portion of RU6 Transition zoned land which encroaches into the approved subdivision to R2 Low Density Residential to match with the remainder of the site. It also seeks a reduction in the 20ha minimum lot size for the RU6 zoned land to 700m² to accord with the remainder of the site. This direction would therefore apply to this planning proposal.

As noted in **Sections 3.4.1 & 3.4.2** of this report this planning proposal is consistent with the recommendations in the *Urban and Fringe Housing Strategy* to deliver 700m² sized lots within the Middle Arm West urban release area and the *Local Strategic Planning Statement*'s action to implement the *Urban and Fringe Housing Strategy*.

This planning proposal will have no significant impact on agricultural and primary production as the subject area already has development consent for a residential subdivision.

The proposed GM LEP amendments will not increase residential density nor the extent of the approved residential subdivision. This development application process for the residential subdivision has already considered potential impacts on biodiversity and native vegetation through a Flora and Fauna Assessment, cultural heritage through the Statement of Environmental Effects, Conservation Management Plan and Aboriginal Cultural Heritage Due Diligence Assessment and impacts on water resources and water quality through a Water Cycle Management Plan and through the NorBE assessment.

The identification of the area in the *Urban and Fringe Housing Strategy* has considered the natural and physical constraints of the land and found the areas to be suitable for urban residential development. This was also confirmed in more detail through the approval of the residential development subdivision (DA/0183/1718).

This planning proposal seeks only to rezone a portion of the site currently zoned RU6 Transition within an approved residential subdivision and does not affect opportunities for investment in productive, diversified, innovative and sustainable economic activities or restrict farmers' right to farm.

This planning proposal will not have any impact on rural land fragmentation as the RU6 land to which the proposal relates is already approved for residential subdivision and regardless of the outcome of this planning proposal will not be utilised for agricultural production. In terms of land use conflict, whilst the RU6 zoning is proposed to be removed from the subject site, the interface between residential development and rural lands beyond will not change as a result of this planning proposal. Therefore no additional land use conflict beyond that already assessed and approved through the residential subdivision will occur as a result of this planning proposal. The change in minimum lot size of the RU6 zone will also not affect the operation and viability of existing and future land uses and related enterprises essential to rural industries or supply chains as this land is an approved residential subdivision and not in productive agricultural use and will not adversely impact on rural land uses elsewhere.

The planning proposal does not relate to rural residential purposes.

This planning proposal, due to its minor nature is of minor significance and on that basis is considered to be consistent with Direction 1.5. The planning proposal is justified by the Councils *Urban and Fringe Housing Strategy* and *Local Strategic Planning Statement* which have considered the objectives of this Direction and are strategies approved by the Department of Planning & Environment.

3.6.3 Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This direction applies to all relevant planning authorities preparing a planning proposal.

When this direction applies a planning proposal must contain provisions that facilitate the conservation of:

- a) Items, places, building works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of environmental heritage of the area
- b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Comment: The original site which was subject to the development application consent included the Teneriffe Homestead which is a 19th century rural homestead designed by local architect E.C. Manfred and is a locally listed heritage item.

This application was accompanied by a Statement of Environmental Effects which identified the Teneriffe Homestead within the lot and also submitted a Conservation Management Strategy to address potential impacts on the local heritage item which included identification of the heritage item's curtilage. No Aboriginal sites were registered within the site but the AHIMs search identified two sites within 200 metres. In response an Aboriginal Cultural Heritage Due Diligence Assessment was undertaken and submitted.

The Goulburn Heritage Advisor, contracted to review the Conservation Management Plan, supported its findings and made the following recommendations and conditions:

Recommendations

- *'It is recommended that future dwellings on lots in the RU6 area be restricted to single story.'*
- *'The Conservation Management Strategy by BIOSIS 2017 should be adopted and linked to the new lot and property file created for Teneriffe in Council's planning system in such a way that it is referenced in all future development of that lot.'*

Conditions

1. *'An archival record of Teneriffe'*
2. *'A schedule of conservation works and conservation works specification supported by architectural drawings.'*
3. *'Implementation of the works specification (construction).'*

A full list of conditions of consent for the residential subdivision is available in **Appendix 2**.

Schedule 5 Environmental Heritage of the *Goulburn Mulwaree Local Environmental Plan 2009* is currently being updated through a housekeeping review planning proposal to:

- Ensure the accuracy of addresses, lot and DP number, property descriptions and listing descriptions
- Separate heritage items with multiple listing into individual items
- Update the extent and ensure accuracy of the boundaries of heritage items

This housekeeping review has included a revision to Teneriffe heritage item boundary to exclude the areas which have already been developed or approved for residential subdivision and reflect the curtilage of the item as prescribed in the Conservation Management Strategy. The housekeeping planning proposal has been subject to a gateway determination, public consultation and the amendments approved by Council resolution on 3 August 2021.

The revised boundary for the Teneriffe Homestead heritage item, as endorsed through the Schedule 5 housekeeping review is illustrated in **Appendix 5**.

The Office of Environmental Heritage provided their referral response in July 2018 in relation to Aboriginal Cultural Heritage and the Due Diligence Assessment submitted with the development application. They noted the findings of the due diligence assessment and agreed that harm to aboriginal sites can be avoided and that an Aboriginal Heritage Impact permit would not be required. The referral included a number of related conditions of consent to ensure aboriginal cultural values are protected. These conditions were all included in the development consent (DA/183/1718) and are available in **Appendix 2**.

This planning proposal will not amend the site boundaries upon which the development application's supporting documents were based or amend the proposed land use or number of dwellings already approved under the development consent.

This planning proposal is consistent with Direction 2.3 in that it highlights the provisions already put into place to conserve European and Aboriginal cultural heritage, is minor in nature and would not result in any additional impacts not already considered.

3.6.4 Direction 2.6 Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This direction applies to:

- a) Land that is within an investigation area with the meaning of Contaminated Land Management Act 1997
- b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been carried out
- c) The extent to which it is proposed to carry out development on it for residential, educational, recreation or childcare purposes, or for the purposes of a hospital-land:
 - i. In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - ii. On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)

When this direction applies a planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph 2 if the inclusion of the land in that zone would permit a change of use of the land, unless:

- a) The planning proposal authority has considered whether the land is contaminated, and
- b) If the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- c) If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the Local Environmental Plan.

Before including any land specified in paragraph 2 in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Comment: The site is identified on the Council's Land Contamination Register indicating a potential for contamination on the site. The previous use of the site was agricultural with a large apricot orchard once on site. This previous land use is listed within Table 1 of the *Contaminated Land Planning Guidelines* under agricultural/horticultural activities and Direction 2.6 would therefore apply to this planning proposal.

The development application which gave consent for the whole development of the site addressed this potential for contamination through the submission of a Preliminary Site Investigation. This investigation concluded that:

`the site is suitable for the proposed subdivision and future low density residential development, subject to implementation of an unexpected finds protocol under the construction environmental management plan during pre-construction work, to manage any potential contamination that may arise during bulk excavation works`

The implementation of an unexpected finds protocol was included as Condition 11 of the development consent and Condition 35 requires that works should cease if potential site contamination is discovered during works and a Contamination Report prepared.

A full list of conditions of the development consent (DA/183/1718) are available in **Appendix 2**.

The approved development application has therefore already assessed whether the land is contaminated and found the site suitable for low density residential, subject to condition. This judgement was based upon the Preliminary Site Investigation Report which was carried out in accordance with the contaminated land planning guidelines.

This planning proposal will not amend the site boundaries upon which the preliminary assessment was based or amend the proposed land use or number of dwellings

already approved under the development consent. This planning proposal is considered consistent with this direction.

3.6.5 Direction 3.1 Residential Zones

The objectives of this direction are to:

- a) Encourage a variety and choice of housing types to provide for existing and future housing needs
- b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c) To minimise the impact of residential development on the environment and resource lands

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- a) An existing or proposed residential zone (including the alteration of any existing residential zone boundary)
- b) Any other zone in which significant residential development is permitted or proposed to be permitted

When this direction applies a planning proposal must include provisions that encourage housing that will:

- a) Broaden the choice of building types and locations available in the housing market, and
- b) Make more efficient use of existing infrastructure and services, and
- c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and
- d) Be of good design

A planning proposal must also:

- a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).
- b) Not contain provisions which will reduce the permissible residential density of land.

Comment: The planning proposal seeks to extend the existing R2 Low Density Residential zoned land which covers the majority of the lot to the edge of the lot boundary and this direction would therefore apply.

This planning proposal relates to land already approved for residential subdivision with the majority of lots approved for under Torrens Title with only the 21 lots sited within the existing RU6 Transition Zone being restricted to Community Title.

The subject site is already subject to an approved development application for subdivision where infrastructure and servicing requirements have been agreed. This planning proposal is not seeking a reduction in permissible density, only a minor zoning and minimum lot size change to enable consistent application of GM LEP 2009 provisions across the site. This is considered a more appropriate approach to the

scheme which ensures equity for residents, in terms of financial obligations, across the urban release area.

This planning proposal is of minor significance in terms of scale and consequence and is not inconsistent with Direction 3.1.

3.6.6 Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are to:

- a) Protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- b) To encourage sound management of bushfire prone areas

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

- (4) When this direction applies the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service in the preparation of a planning proposal, following receipt of a gate determination and prior to undertaking community consultation
- (5) A planning proposal must:
 - a) Have regard to planning for Bushfire Protection 2019
 - b) Introduce controls that avoid placing inappropriate developments in hazardous areas, and
 - c) Ensure that bushfire hazard reduction is not prohibited within the APZ
- (6) A planning proposal, where development is proposed, comply with the following provisions as appropriate:
 - (a) Provide an Asset Protection Zone incorporating at a minimum;
 - i. An inner protection area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ within the property, and
 - ii. An Outer Protection Area managed for hazard reduction and located on the bushland side of the permitter road
 - (b) for infill development, where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection purposes, the APZ provisions must be complied with
 - (c) Contain provisions for two-way access roads which links to permitter road and/or to fire trail networks.
 - (d) Contain provisions for adequate water supply for firefighting purposes
 - (e) Minimise the permitter area of land interfacing the hazard which may be developed
 - (f) Introduce controls on the placement of combustible materials in the Inner Protection Area

Comment: This planning proposal relates to land mapped as bushfire prone and as such Direction 4.4 applies.

The approved development application was accompanied by a Bushfire Assessment Report and the Rural Fire Service provided concurrence with the

scheme on 13 July 2018 with a number of recommended conditions relating to Asset Protection Zones, adequate service provision and access. These conditions were reflected in Conditions 94 to 99 of the development consent.

A full list of conditions of the development consent (DA/183/1718) are available in **Appendix 2**.

This proposal does not seek to increase the residential density of the subject site which has already been approved through DA/0183/1718 or extend the boundaries of the site beyond the existing consent. This planning proposal only seeks to enable the establishment of a Torrens title rather than community title on 21 blocks within the subdivision.

As such the impacts of the scheme on bushfire prone land have already been assessed and found to be acceptable, subject to a number of conditions. This planning proposal is consistent with Direction 4.4.

3.6.7 Direction 5.2 Sydney Drinking Water Catchment

The objective of this direction is to protect water quality in the Sydney Drinking Water Catchment.

This direction applies to Goulburn Mulwaree Council.

This direction requires that a planning proposal be prepared in accordance with the general principle that water quality within the Sydney Drinking Water Catchment must be protected and that new development within the water catchment must have a neutral or beneficial effect on water quality.

This direction requires that a relevant planning authority, when preparing a planning proposal to:

- a) Ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and
- b) Give consideration to the outcome of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and
- c) Zone land within the special areas owned or under the care, control and management of Sydney Catchment Authority generally in accordance with the following:

Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	E1 National Parks and Nature Reserves
Land in the ownership or under the E2 Environmental Conservation care, control and management of the Sydney Catchment Authority located above the full water supply level.	E2 Environmental Conservation
Land below the full water supply level SP2 Infrastructure (and marked including water storage at dams and `water supply systems` on the land weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked `Water Supply System` on the Land Zoning Map)

- d) Consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this direction, and
- e) Include any copy of any information received from the Sydney Catchment Authority as a result of the Consultation process in its planning proposal prior to issuing of a gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.

Comment: Water NSW provided their referral for the approved residential subdivision development application on 22 January 2018 which included its concurrence subject to condition. The referral response identified the documents considered in this determination which included:

- The Statement of Environmental Effects,
- Water Management Plan, and
- Water Cycle Management Study which included MUSIC stormwater quality modelling.

Water NSW provided an additional referral response on 5 August 2019 relating to the modification of the scheme to enable a staged subdivision under reference MOD/0001/1718. This referral response identified the additional documents considered in its response which included:

- Stormwater Catchment and Stormwater Plans, and
- Staging Plan

Water NSW states in both its referrals:

Based on the Water NSW's site inspection and the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in the development consent and are subsequently implemented.

The concurrence was subject to conditions which were included in the development consent for the residential subdivision. A full list of conditions of the development consent are available in **Appendix 2**.

Water NSW provided a pre-gateway referral response on 7 September 2021, illustrated in Appendix 7, which stated:

“as long as the development proceeds as currently proposed and there are no further increases in impervious areas from the rezoning then a NorBE on water quality will be able to be achieved. The response to Direction 5.2 concludes that the planning proposal will have no impacts on water quality. Based on the information provided, and subject to the above caveats, we agree with this conclusion”.

The response also included a Strategic Land Water Capability Assessment (SLWCA), illustrated in **Figure 5**. This indicates that the site and the north-western corner where the RU6 land occurs has a low to moderate risk to water quality and therefore a high to moderate capacity for residential sewered development.

Figure 5: Strategic Land Water Capability Assessment



The approved residential subdivision has demonstrated its compliance with *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* and would not adversely affect water quality.

This proposal does not seek to increase the residential density of the subject site which has already been approved or extend the boundaries of the site beyond the existing consent. This planning proposal will have no impacts on water quality and is consistent with Direction 5.2.

3.6.8 Direction 5.10 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

Comment: The *South East and Tablelands Regional Plan* is applicable to the planning proposal and this has been considered in **Section 3.3.1** of this report. The planning proposal is consistent with this Regional Plan.

3.6.9 Direction 6.1 Approval and Referral Requirements

The objective of this direction is to ensure that the LEP provisions encourage the efficient and appropriate assessment of development.

Comment: This planning proposal is consistent with Direction 6.1 as it does not propose to add any LEP provisions requiring approval or referral to a minister or other public authority.

3.6.10 Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Comment: This planning proposal does not include any additional planning controls than those already applied through the *Goulburn Mulwaree Local Environmental Plan 2009* and *Development Control Plan 2009*. This planning proposal is consistent with Direction 6.1.

Section C- Environmental, Social and Economic Impact

3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The original subdivision application included a Flora and Fauna Assessment which identified that the site historically would have featured Box Gum Woodland. However, the assessment found that this has been so modified by agricultural activities that little remains beyond a few remnant trees (*Eucalyptus melliodora* and *Eucalyptus blakelyi*) to the western and north western areas of the land. The report did identify that existing remnant trees have high habitat value due to their age and size and these are to be protected.

The Flora and Fauna Assessment included a number of recommendations to reduce the impacts of the proposed development upon biodiversity including recommendations for the retention of the patches of remnant eucalypt trees and isolated paddock trees, requirements for weed management during and after development, and recommendations for landscaping (including use of local native species). These recommendations were imbedded into the Landscape Management Plan and Tree Management Plan submitted and approved with the application.

Councils Biodiversity Officer concurred with the findings of the Flora and Fauna Assessment and stated:

‘ The proposed housing subdivision is all on areas that have been completely cleared in the past and are currently dominated by exotic pasture species and

weeds (especially Serrated Tussock Nassella trichotoma). The proposed development will have little to no adverse effect on existing native flora and fauna`.

`I can confirm that the areas marked to be developed for housing comprise pasture land dominated by exotic species, including significant quantities of Serrated Tussock Grass Nassella trichotoma.`

The development consent requires development to be in accordance with the Flora and Fauna Assessment, Landscape and Tree Management Plans and related plans as a condition of consent.

This proposal does not seek to increase the residential density of the subject site which has already been approved nor to extend the boundaries of the site beyond the existing consent. Therefore this planning proposal will not result in any potential impacts on critical habitat or threatened species, populations or ecological communities or their habitats which have not already been assessed.

3.8 Are there other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no known likely environmental effects as a result of this planning proposal.

3.9 Has the planning proposal adequately addressed any social and economic effects?

There are no known social or economic effects as a result this planning proposal.

Section D- State and Commonwealth Interests

3.10 Is there adequate public infrastructure for the planning proposal?

The site is part of the Middle Arm West Precinct in the *Urban and Fringe Housing Strategy* which is identified as an opportunity area for serviced residential lots of 700m². The approval of the development consent for the residential subdivision has demonstrated the suitability of the site for low density residential development with connections to the Goulburn reticulated water and sewer network achievable.

This proposal does not seek to increase the residential density of the subject site beyond that which has already been approved nor extend the boundaries of the site beyond the existing consent. This planning proposal only seeks to provide for the consistent application of planning controls under GM LEP 2009 across the site.

3.11 What are the views of State and Commonwealth public authorities` consultation in accordance with the Gateway determination?

No pre Gateway consultation has been undertaken with Commonwealth public authorities.

In accordance with the Ministerial Direction for the Sydney Drinking Water Catchment, consultation with Water NSW has been undertaken and.....

Further consultation will be undertaken in accordance with the directions of the Gateway determination and is likely to be limited to Water NSW and NSW Rural Fire Service.

Part 4- Mapping

The maps included within **Appendix 6** illustrate the area to which this proposal relates and includes amendment to the RU6 Transition Zone to R2 Low Density Residential and an amendment to the 20ha minimum lot size to 700m² within Lot 184, DP 1250044.

Part 5- Community Consultation

As part of the Gateway assessment appropriate public exhibition of the proposal will be applied for the prescribed period. Furthermore, written notification will be provided to the landowner and adjoining landowners.

The proposal will be advertised in the prescribed manner under the gateway procedures.

Part 6- Project Timeline

It is envisaged that the gateway process will take approximately 9-11 months for a project of this scale.

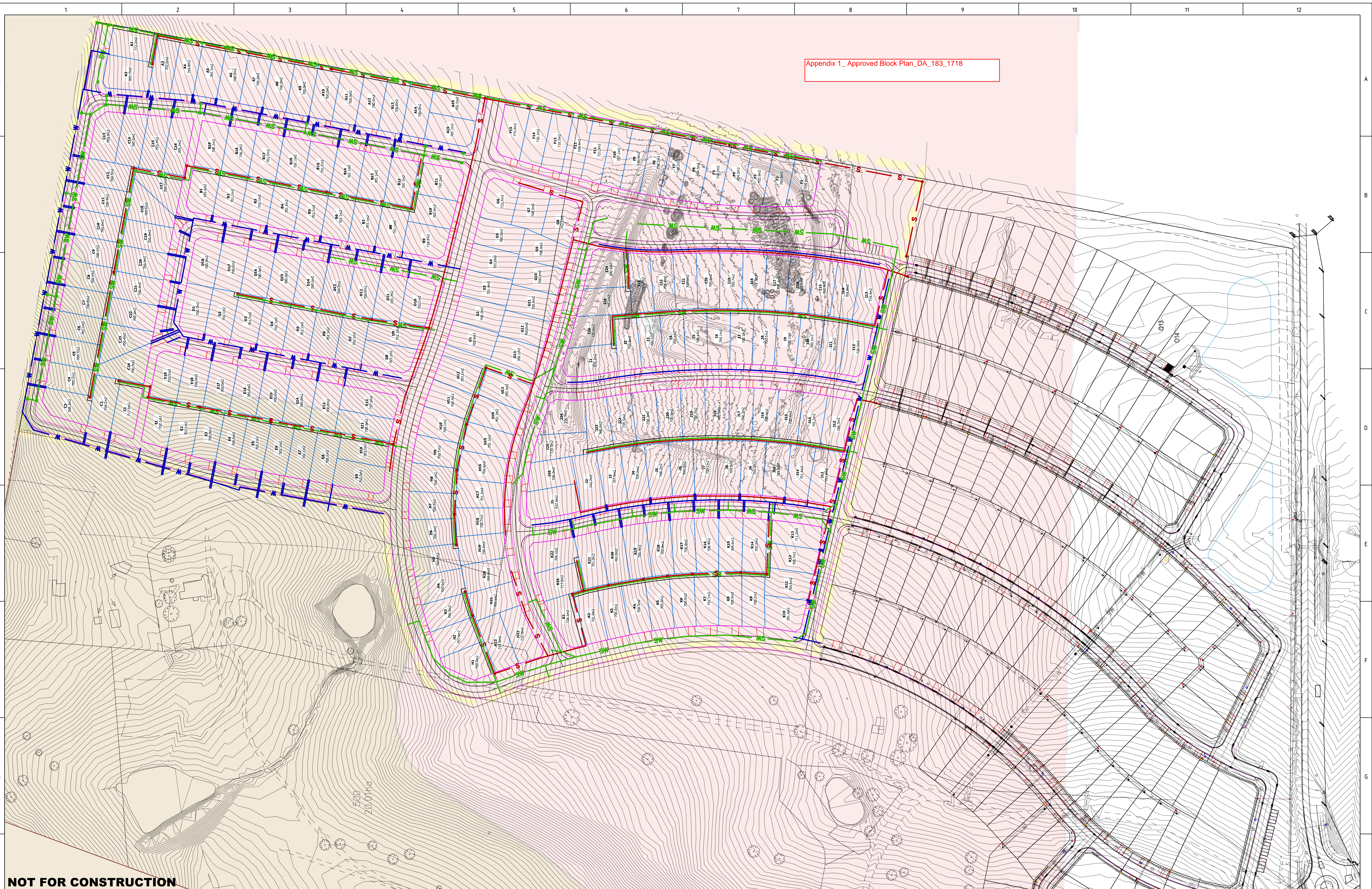
Gateway Determination	September 2021
Timeframe for completion of technical studies	No studies identified
Timeframe for agency consultation	October to November 2021
Public Exhibition	November to December 2021
Public Hearing	No hearing identified
Consideration of submissions	January 2022
Date of submission of LEP to DPIE	March 2022
Anticipated date of plan made	April 2022
Anticipated date plan forwarded to DPIE for notification	April 2022

Part 7- Appendices

Appendices included within this planning proposal are listed in the table below:

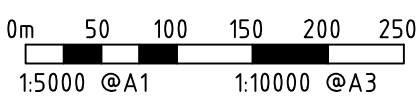
Appendix 1	Approved Residential Subdivision Lot Plan- DA/183/1718
Appendix 2	Consent Notice for approved residential subdivision- DA/183/1718
Appendix 3	Proponents request for rezoning Planning Proposal
Appendix 4	Goulburn Mulwaree Council Report & Resolution- 20 July 2021
Appendix 5	Tenerife Homestead Heritage Item Revised Boundary

Appendix 6a	Existing Land Use Zoning Map- subject site
Appendix 6b	Existing Minimum Lot Size Map- subject site
Appendix 6c	Indicative proposed Land Use Zoning Map- subject site
Appendix 6d	Indicative proposed Minimum Lot Size Map-subject site
Appendix 7	Water NSW Pre-gateway Referral Response- 7 Sept 2021

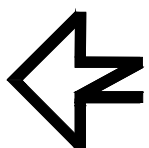


Appendix 1_ Approved Block Plan_DA_183_1718

NOT FOR CONSTRUCTION



NORTH



REV	REVISION	DATE	DESIGNED	DRAWN	APPROVED
A	FOR DEVELOPMENT APPLICATION	XX.XX.XXXX	L.K	L.K	L.K
B					
C					
D					
E					

CLIENT:

XXX XXXX
PTY LTD

PROJECT:

XXXXXXX
DEVELOPMENT

SITE ADDRESS:

BLOCK X SECTION XX
XXXXXX STREET
XXXXXXXX

SCALE:

AS SHOWN

DATE:

XX.X

WG No.:

604

PROJECT No.:	XXXXX
--------------	-------

DRAWING TITLE:

GENE

GENERAL ARRANGEMENTS PLAN



Appendix 2_ Consent Notice
DA_183_1718

Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Civic Centre
184 - 194 Bourke Street
Goulburn NSW 2580
t (02) 4823 4444
e council@goulburn.nsw.gov.au
www.goulburn.nsw.gov.au

27 September 2018

Contact: Planning & Environment

Spacelab Studios
5/97 Northbourne Avenue
TURNER ACT 2612

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Under Section 4.16 of the Environmental Planning and Assessment Act 1979, Goulburn Mulwaree Council has determined DA/0183/1718 as described below, by the granting of development consent subject to the conditions specified in this notice.

Development application number	DA/0183/1718
Land to be developed	Lot 28 DP 479 133 Marys Mount Road GOULBURN NSW 2580
Proposed development	Staged subdivision of land and associated civil work and landscaping comprising: Stage 1 - 2 lot subdivision and ROW Stage 2 – 388 residential lots and associated works
Determination	27 September 2018

Consent granted subject to conditions in the attached schedule

Consent to operate from	27 September 2018
Consent to lapse from	27 September 2023
Other approvals Approvals granted under Section 4.12	S138/0097/1718 working within the existing Marys Mount Road Reserve subject to conditions
Integrated development	Not Applicable

A handwritten signature in cursive script, appearing to read "s mowle".

STEPHANIE MOWLE
BUSINESS MANAGER PLANNING & DEVELOPMENT

SCHEDULE OF CONDITIONS

GENERAL CONDITIONS

1. The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below except where modified by any following condition.

Reference/Dwg No	Title/Description	Prepared By	Date
Revision A	Statement of Environmental Effects	Spacelab Studio Pty Ltd	November 2017
Report: J0891 Goulburn PSI 1.0.doc	Tier 1 Preliminary Site Investigation	SESL Australia	May 2018
Project No. 17-1287, Drawing No. TMP1 & TMP2, Rev A	Tree Management Plan	Spacelab Studio Pty Ltd	21 November 2017
Project No. 2760, Final Version 01	Flora and Fauna Assessment	Capital Ecology	19 November 2017
	NorBE Assessment incorporating a MUSIC stormwater quality model	Strategic Environmental & Engineering Consulting	6 September 2018
	Aboriginal Heritage Due Diligence Report	Biosis	21 November 2017
	Conservation Management Strategy	Biosis	21 November 2017
Project No. 17CAN_8281, Version 1 Final	Bushfire Assessment Report	Eco Logical Australia	21 November 2017
17-1287 – SP01 – Rev D	Subdivision Layout	Spacelab Studio Pty Ltd	11 September 2018
ST01; Issue DA, Revision A	Staging Plan	Spacelab Studio Pty Ltd	27 June 2018
C001	Cover Sheet	Fraish Consulting	September 2018
C002 – Rev C	Layout & Drawing Index	Fraish Consulting	10 September 2018
C005 – Rev A	Civil Notes & Legend	Fraish Consulting	14 November 2018
C006 – Rev D	General Arrangement Plan	Fraish Consulting	10 September 2018
C105 – Rev B	Typical Sections Road 1	Fraish Consulting	23 August 2018
C106 – Rev B	Typical Sections Road 2	Fraish Consulting	23 August 2018
C107 – Rev B	Typical Sections Road 3	Fraish Consulting	23 August 2018
C108 – Rev B	Typical Sections Road 4	Fraish Consulting	23 August 2018
C108a – Rev A	Typical Sections Road 4	Fraish Consulting	23 August 2018
C109 – Rev C	Typical Sections Road 5	Fraish Consulting	23 August 2018
C109a – Rev A	Typical Sections Road 5	Fraish Consulting	23 August 2018
C110 – Rev B	Typical Sections Road 6	Fraish Consulting	23 August 2018
C111 – Rev B	Typical Sections Road 7	Fraish Consulting	23 August 2018
C111a – Rev A	Typical Sections Road 8	Fraish Consulting	23 August 2018
C112 – Rev B	Typical Sections Road 9	Fraish Consulting	23 August 2018
C201 – Rev C	Temporary Traffic Management Plan	Fraish Consulting	10 September 2018
C211 – Rev D	Sediment & Erosion Control Plan	Fraish Consulting	12 September 2018
C212 – Rev A	Sediment & Erosion Control Notes	Fraish Consulting	14 November 2017
C213 – Rev A	Sediment & Erosion Control Notes	Fraish Consulting	14 November 2017
C220 – Rev C	Pavement Plan	Fraish Consulting	23 August 2018
C230 – Rev C	Pavement Markings & Signs	Fraish Consulting	23 August 2018
C300 – Rev D	Stormwater Catchment Plan	Fraish Consulting	18 September 2018
C305 – Rev D	Stormwater Plan	Fraish Consulting	18 September 2018
C320 – Rev C	Water Supply Concept Plan	Fraish Consulting	10 September 2018

DEVELOPMENT APPLICATION DETERMINATION NOTICE

C330 – Rev C	Sewer Plan	Fraish Consulting	10 September 2018
Rev 1	Soil and Water Management Plan	Fraish Consulting	September 2018
17-1287 – LMP1 – Rev F	Landscape Master Plan Sheet 1	SPACELAB	11 September 2018
17-1287 – LMP2 – Rev E	Landscape Master Plan Sheet 2	SPACELAB	21 August 2018
17-1287 – LMP3 – Rev E	Landscape Master Plan Sheet 3	SPACELAB	10 September 2018
17-1287 – LMP4 – Rev A	Landscape Details	SPACELAB	21 November 2017
17-1287 – LMP5 – Rev D	Landscape Master Plan Sheet 5	SPACELAB	21 August 2018
17-1287 – LMP6 – Rev B	Landscape Master Plan Sheet 6	SPACELAB	21 August 2018
17-1287 – LMP7 – Rev B	Landscape Master Plan Sheet 7	SPACELAB	21 August 2018
17-1287 – LMP8 – Rev A	Landscape Master Plan Sheet 8	SPACELAB	17 July 2017

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the conditions of this approval prevail.

2. In accordance with clause 145 of the Environmental Planning and Assessment Regulation 2000, the plans and specifications submitted with a Construction Certificate must not be inconsistent with this consent.
3. Lot U1 is a residue lot. No development of this lot is approved as part of this consent and shall be subject to a future development application.
4. The development for the subdivision of land shall be staged as follows:

Stage	New Lots
Stage 1	1 + residue
Stage 2A	77
Stage 2B	89
Stage 2C	109
Stage 2D	113

All conditions of this consent apply to each stage, unless otherwise specified.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. A Construction Certificate shall be issued by either Council or an accredited certifying authority, pursuant to Section 6.12 and 6.14 of the Environmental Planning and Assessment Act 1979, certifying that the proposed works are in accordance with the Development Consent, prior to any works commencing.
6. Consent for this development is conditional upon satisfactory arrangements with the Goulburn Mulwaree Council for the provision of adequate facilities for water supply, the removal or disposal of sewage and the disposal of stormwater. An application under Section 305 of the *Water Management Act 2000* is required and a Section 306 notice of requirements may require works to be undertaken, payments to be made or plans submitted prior to a Construction Certificate being issued. A full set of hydraulic plans to be submitted to council for review and approval.
7. The Applicant shall demonstrate compliance with a minimum water hydraulic requirements and flow rates at the highest elevation being lots A29, 30 and 31 and compliance with WSA Water Supply Code of Australia and Goulburn Mulwaree Council requirements.
8. The Applicant shall demonstrate compliance with WSA Gravity Sewer Code of Australia and Goulburn Mulwaree Council requirements.
9. In accordance with Section 7.7(3) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement (VPA) as offered by the Applicant in the Letter of Offer dated 16th May 2018 (as subsequently amended thereafter) in respect of the Development Application, the subject of this consent, must be entered into prior to the issuing of the any Construction Certificate. The terms of the VPA must, thereafter, be adhered to.

shall be executed by the applicant and Council within 24 months of the date of the consent. The Voluntary Planning Agreement is to be in accordance with the Letter of Offer Agreement

in the attachment.

10. Prior to the issue of the Construction Certificate, a Construction Environmental Management Plan (CEMP) shall be prepared and submitted for approval by Council. The Construction Environmental Management Plan (CEMP) shall include but not be limited to:
 - Construction Traffic Management;
 - Aboriginal Heritage Management;
 - Bush Fire Management;
 - Waste Management;
 - An identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all erosion and sediment control measures, including the frequency of such activities;
 - The identification of the individuals or positions responsible for inspection and maintenance activities;
 - Checklists for recording inspections and maintenance of erosion and sediment control measures;
 - Noise Management;
 - Dust Management;
 - Soil and Water Management;
 - Operation Hours;
 - Security Management.
11. An unexpected finds protocol for contamination is to be prepared for the construction earthworks by a suitably qualified professional and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The unexpected finds protocol should include procedures and protocols for managing risks should unexpected finds of contamination be identified at the site.
12. The sections of lots not able to achieve gravitational connection to sewer shall be shaded on the plans submitted with the Construction Certificate with nominated FFLs and dwelling envelope marked.
13. Any lots requiring levelling or filling shall be compacted to 98% prior to the installation of water and sewer mains and noted on the long sections.
14. Prior to the issue of a Construction Certificate, engineering design plans shall be prepared to Council's standards by a person, either holding qualifications acceptable for Corporate Membership of the Institution of Engineers, Australia, or a person of proven experience in the field.

The Construction Certificate engineering drawings and specifications shall comply with Council's Standards for Engineering Works current at the time of the works, unless noted otherwise.

The following sets out the requirements for drawings submission:

- First submission of drawings – One set A1 size, one set A3 size
- Intermediate submissions – One set A1 size
- Final set (for stamping) – Three sets A1 size, one A3 size, one electronic set
- All drawings to be unbound and unstapled
- If drawings are coloured, all submitted sets to be coloured

The infrastructure design details are to articulate the stages of construction.

In this regard the following specifications shall be met:

- Acute curves shall have barrier linemarking over some 100m length;
 - Road 1 shall have the centre line marked;
 - Vehicular access to Marys Mount Road to/from Road 2 shall be prevented by physical measures;
 - For all roads, a minimum curve radius of 30m at the centreline applies. If a lesser radius is proposed, it shall be demonstrated that a garbage truck on the inside of the curve and a car on the outside of the curve may pass at the curve. This may require lane widening.
 - The unnumbered pedestrian lanes adjacent to Lots E12, B12, H10, R02, P01, and Q01 shall be formed and surfaced rendering the lanes maintenance free.
 - The design of the road intersecting with Marys Mount Road shall joint smoothly to the existing roundabout.
 - Raised thresholds shall not be installed. If thresholds are installed, they shall not be raised.
 - A roundabout shall be provided at the cross intersection of Road 1 and Road 5. The roundabout shall accommodate the turning manoeuvres of a 14.5m rigid bus.
15. Footpaths shall be constructed in accordance with Council's revised standard drawing SD 04 B (excepting width).

For the internal footpaths, the developer has the choice of the timing of the footpath construction, being either:

- At the time of subdivision construction. In this case the maintenance period commences at time of subdivision release, or
 - At any time within 3 years of the subdivision stage release. In this case:
 - A bond shall be submitted for this work as a requirement for subdivision release.
 - Construction Certificate design drawings shall include surface levels for the footpath in line with each property boundary (to be used for design of footway crossing levels)
 - The maintenance period commences at time of footpath completion.
16. Hydrology and hydraulic assessment is required to substantiate the minor and major system stormwater designs. The assessment shall be based on the ultimate development of the lots and include external flows into the site. For the major system, assessment shall include consideration of the following:
- Assessment of the flow regime to ensure capacity of channels to safely convey flows.
 - Hydraulic assessments to ensure the velocities within a channel are within acceptable limits to minimise erosive forces.
 - Floor levels of future buildings shall be a minimum of 0.3m above the 100 year ARI.

Details of calculations and modelling shall be submitted to Council with the application for Construction Certificate.

17. On site detention is required in accordance with Council's standards which require peak flows from the ultimate development to be limited to the peak flows from the site in its existing state. Calculations shall be provided with the Construction Certificate Application demonstrating compliance.
18. The plans submitted with the Construction Certificate Application shall include:
- Batter slope treatments and/or fencing shall be provided in accordance with Council's engineering standards; and
 - Sealed vehicular access shall be provided to basins and wetlands for maintenance

purposes.

19. An erosion and sedimentation control plan is required to be submitted for approval prior to the issue of a Construction Certificate. This plan shall be prepared by a qualified person in the field of soil conservation. It will be the developer's responsibility to ensure the proper implementation of the approved plan.
20. Details of dust control measures are to be submitted and approved by the Principal Certifying Authority prior to issue of the Construction Certificate. These measures are to be implemented during and after the construction of the subdivision.

Appropriate measures are to be implemented to ensure no dirt or sediment is deposited on the road from vehicles and equipment associated with the subdivision. Details of these measures are to be submitted and approved prior to issue of the Construction Certificate.

No work is to be undertaken during adverse weather conditions, for example, dust storms during heavy westerly winds.

21. All areas within the development, including the sites junction with Marys Mount Road, are to comply with AS/NZS 1158.3.1:2010 (as amended) Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements. Where required, lighting shall be upgraded/provided in accordance with AS/NZS 1158.3.1:2010.

Details of the proposed lighting and compliance with AS/NZS 1158.3.1:2010 (as amended) must be accepted by the Principal Certifying Authority prior to issue of the Construction Certificate. Street lighting to the standard P5 Category except P3 Category is required at the intersection of Marys Mount Road and the new proposed road.

22. The plans submitted with the application for a Construction Certificate shall include the provision of a shared pathway along the southern boundary of lot F15 connecting with the proposed subdivision at 129 Marys Mount Road.

23. A detailed fencing plan is to be approved by Council prior to the issue of a Construction Certificate.

This plan is to indicate the location, height, style, colours and materials of all proposed fencing. The fencing design shall respect the architectural character of the Heritage Listed site and consider Crime Prevention Through Environmental Design principles. The rear boundary fencing of Lots O1 – O14 shall allow for passive surveillance. The rear boundary fencing of Lots S1 –S17 shall consist of Block fencing to Marys Mount Road details 1-3 on plan 17-1287-LMP 4. No gates or openings within the boundary fencing of Lot 28 DP 479 shall be permitted. The cost of proposed fencing of the boundaries of Lot 28 DP 479 shall be borne by the Applicant/Developer.

24. The two drainage reserves are to have a permanent fence to the residential lots. Such fencing is to be constructed so as to allow passive surveillance of the drainage reserve. Any fencing within the 1% flood event shall be specifically detailed on the fencing plan.

25. The developer is required to plant street trees being a maximum of one tree for each lot and two trees for corner lots. The species of the tree should be in accordance with the themes contained in the Goulburn Street Tree Master Plan and be approved by Council's Landscape & Heritage Planner prior to the issue of a Construction Certificate. Amended landscaping plans shall be prepared where:

- Eucalyptus melliodora are replaced with either Eucalyptus mannifera or Eucalyptus mannifera "Little Spotty";
- Ulmus procera is not a desirable tree for roads or public places and shall be replaced;
- Alternative species shall be selected to replace Fraxinus pennsylvatica; Quercus coccinea and Fagus sylvatica.
- Local native species including trees shall be used in the watercourses;
- Open space trees are to be predominantly native species. Exotic feature planting can be used at feature points such as picnic areas;
- The plant key shall be made clearer to differentiate accurately between the various

tree species; and

- Additional details of the proposed native tree and shrub planting proposed in the drainage lines, seating areas, recreation spaces, water treatment ponds and rain gardens.

PRIOR TO COMMENCEMENT OF WORKS

26. Nominate the Principal Certifying Authority (PCA) and ensure the PCA notifies the Consent Authority and Council of their appointment at least two (2) days prior to commencing work on the site.
27. A sign is to be erected on the development site, which shows the builders name and contact details, the details of the PCA and must include the words "Unauthorised entry to the work site is prohibited".
28. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.
29. The construction works are to be supervised by a suitably qualified and experienced civil engineer on a daily basis. This supervising engineer is to ensure compliance with the requirements of the specification, adherence to design plans and quality control of the works.

Prior to commencement of construction, the developer is required to submit a resume of the supervising engineer and construction contractor to Council for approval by the Development Engineer.

DURING CONSTRUCTION

30. All construction work shall be carried out in accordance with the 'Noise Guide for Local Government' published by the NSW EPA as amended from time to time. All demolition and construction work shall be carried out only between the hours of 7.00am and 6.00pm Mondays to Fridays inclusive and on Saturdays between 8.00am and 1.00pm. No noise generating construction work shall take place on Sundays or Public Holidays.
31. The Aboriginal sites AHIMS ## 51-6-0834 and # 51-6-0835 must be avoided during any activities.
32. If Aboriginal sites AHIMS ##51-6-0834 and # 51-6-0835 cannot be avoided as a result of the development – an Aboriginal Heritage Impact Permit (AHIP) will be required.
33. To ensure Aboriginal sites AHIMS ## 51-6-0834 and # 51-6-0835 are not impacted the location of the sites must be included on all site/construction maps and operational plans for the development area.
34. If any previously unrecorded or unanticipated Aboriginal objects are encountered during the development activities – work must cease immediately and the nature and extent of the objects assessed. The Applicant/Owner/Builder shall cease work immediately in the vicinity of the artefact/s or object/s and contact the Office of Environment & Heritage at Queanbeyan (Country, Culture & Heritage) and Pejar Local Aboriginal Land Council to arrange for the assessment of the artefacts. Council is to be notified of the outcome of the inspection.

If Aboriginal objects and/or places will be directly or indirectly adversely affected, the proponent will need to apply for, and be issued with, an Aboriginal Heritage Impact Permit (AHIP) by Office of Environment & Heritage.

35. In the event that any areas of potential site contamination are discovered during works, work shall cease and the applicant shall contact the Council and any other relevant authority. A suitably qualified consultant shall be engaged to investigate the likelihood and/or extent of site contamination, and a Contamination Report shall be prepared in accordance with the publication "Guidelines for Consultants Reporting on Contaminated Sites' by the NSW Office of Environment and Heritage).
36. The developer is responsible for ensuring all erosion and sediment control measures are

DEVELOPMENT APPLICATION DETERMINATION NOTICE

implemented in accordance with the approved plan.

37. Engineering Construction shall comply with the most recent version of Council's Standards for Engineering Works.
38. The developer must at all times give uninterrupted access and afford every facility for the examination of any works and materials as requested by an authorised Council officer.

The developer must supply to Council's supervisory officer the following notice and comply with the following requirements:

- i. The name, address and telephone number of the contractor is to be submitted at least two days prior to the proposed date of commencement or any construction.
- ii. Twenty-four hours (working day) notice shall be given by the developer (or his contractor) in respect to each of the following:
 - i. Completion of formwork/stringlines for kerb and gutter
 - ii. Opening of trenches ready for pipe laying
 - iii. Placing of pipes in trenches prior to backfilling
 - iv. Testing of water and sewer mains
 - v. Completion of subgrade preparation before placing of pavement
 - vi. Sealing of roadworks
39. Vehicles and equipment associated with the development construction are to be located to ensure there is no adverse impact on existing residences in the locality.
40. All work is to be undertaken in accordance with the documentation required and approved under this Consent.
41. The only waste derived fill material that may be received at the development site is:
 - a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997);
 - b) Any other waste derived material the subject of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.
42. The developer is required to plant street trees as indicated on the approved Landscaping Plan. Street trees shall be advanced specimens having a container volume of 25 litres and a height of at least 1.5m. The trees shall be staked with three 1800 mm x 50 mm square hardwood stakes and loosely secured with hessian webbing.

The planting hole is to be twice the width and one and a half times the depth of the pot of the tree to be planted. The hole shall be filled with soil suitable for tree growth being made up of free draining coarse sand 50%, loam 20% and composted organic matter 30% and having a neutral pH.

The trees are to be planted in a workmanlike fashion and maintained by the developer for the full 12-month maintenance period. Any plants that die or are vandalised during the maintenance period are to be immediately replaced by the developer within one month.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

43. A Subdivision Certificate must be applied for (including the payment of application fee) and released prior to the registration of the Plan of Subdivision with the NSW Land Registry Services. A Subdivision Certificate will only be signed when each condition has been satisfied.

A document shall be submitted to Council with the Subdivision Certificate Application outlining the conditions contained within this Consent notice and detailing how these conditions have

been satisfied.

44. The Subdivision Certificate application must be accompanied by the Final Plan of Subdivision, three paper copies, and an electronic copy on disc or submitted via email. If required, a Section 88B Instrument must also be lodged prior to the issue of the Subdivision Certificate.
45. Submission of a Section 88B Instrument that creates a restriction as to user preventing any lots adjoining Marys Mount Road obtaining direct access to Mary Mount Road.
46. Prior to the issue of a Subdivision Certificate a restriction as to user shall be created under s.88B of the Conveyancing Act 1919 restricting the design of future dwellings on lots H16-H19, E1-E3, E5-E19, C10-C18 to single storey.
47. All works are to be completed and all conditions satisfied in accordance with this consent, or alternative arrangements made to the satisfaction of Council, prior to the issue of a Subdivision Certificate.
48. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979, the following monetary contributions are payable to the Council under the Goulburn Mulwaree Section 94 Development Contributions Plan 2009, a copy of which may be inspected at the offices of the Council during ordinary business hours or at www.goulburn.nsw.gov.au :

The current contributions (2018/2019 financial year) in accordance with the document titled Goulburn Mulwaree Section 94 Development Contributions Plan 2009 are as follows:

Marys Mount Precinct -

- Open Space per lot \$1,039
- Roads & Traffic Facilities per lot \$4,326
- Administration per lot / unit / dwelling \$65

TOTAL: per lot \$5,430

The total contribution payable is to be indexed in accordance with the applicable contributions plan between the date of this consent and the date of payment of the contribution.

The contribution is to be paid in full prior to the issue of the Subdivision Certificate, unless otherwise agreed to by Council in writing.

49. Prior to the issue of a Subdivision Certificate, in accordance with the recommendations of the Tier 1 Preliminary Site Investigation of SESL Australia dated May 2018, waste material (building waste, old vehicle and equipment) located within the proposed work area shall be disposed off-site accordingly to licensed facility and if any contamination is identified shall be managed under the unexpected finds protocol.
50. In accordance with the recommendations of the Tier 1 Preliminary Site Investigation of SESL Australia dated May 2018, Areas of Environmental Concern within proposed Lot U1 shall be investigated and managed in accordance with NSW EPA Contaminated Site Guidelines, due to the presence of potential asbestos-containing material and a variety of building waste that may pose unacceptable human-health risk to the residents. Evidence to demonstrate satisfactory compliance with this condition shall be provided prior to the issue of the Subdivision for Stage 1.
51. Prior to the issue of the Subdivision Certificate for Stage 1, a Management Plan shall be drafted to the satisfaction of the Office of Environment and Heritage, which prescribes the measure to conserve and enhance the values of the remnant vegetation within the residue lot (U1) in the most effective and practicable manner. The Management Plan shall be attached to the on title of the residue lot (U1) under s.88B of the Conveyancing Act 1919. Alternatively a Biodiversity Stewardship Agreement could be entered into and the biodiversity credits that would be generated could be sold as offsets for the other developments in the area.
52. No personal access gates shall be installed in the boundary fencing of Lots T11 - T14 and S17 providing access to Marys Mount Road.
53. Easements are required over all sewer mains and stormwater mains in private property in accordance with Council's policy "Clearance Requirements for Structures Adjacent to Sewer

and Stormwater Mains". Easements for stormwater overland flow in private property shall be sufficiently wide for the 100year ARI flow. Any fencing within the easement shall provide for the free flow of stormwater.

54. The current fees for examination of engineering drawings, inspections of subdivision works and release of Final Plans are to be paid prior to the issue of a Subdivision Certificate.
55. Prior to the issue of a Subdivision Certificate for Stage 1 an easement for access benefiting lot U1 shall be created via an s88 Instrument under the Conveyancing Act 1919.
56. All road works and/or traffic control facilities associated with the developments access point and within Marys Mount Road shall be completed prior to the release of the Subdivision Certificate for Stage 2A.

During the course of this work it is the applicant's responsibility to ensure:

- Traffic control measures are installed and maintained in accordance with AS1742.3 and the Roads and Traffic Authority Manual – 'Traffic Control at Worksites'
 - Public liability insurance to the value of \$20 million specific to the footway crossing; and workers compensation insurance, are both maintained for the duration of the works
 - Whether the proposed works affects any Public Utility Authority installation. The following Authorities should be consulted:
 - i. Dial Before You Dig Ph.: 1100 (including telephone, gas, electricity)
 - ii. Council Ph (02) 4823 4417 (including water and sewer location diagrams).
 - iii. At the completion of work, the development proponent is to ensure that the area surrounding the driveway is backfilled and verge seeded to alleviate pedestrian hazard.
57. A photographic archival record of the Teneriffe building and landscape elements is to be submitted prior to the issue of a Subdivision Certificate for Stage 1. The photographic archival recording is to be submitted in a digital format and is to include the following:
- Site plan at a scale of 1:200 of all structures and major landscape elements including their relationship to the street and adjoining properties.
 - Coloured photographs of:
 - Each elevation,
 - Each structure and landscape feature,
 - Views to the subject property from each street and laneway and public space.

One digital set is to be submitted to the satisfaction of Council prior to the issue of a Subdivision Certificate.

58. To ensure the Teneriffe building is appropriately conserved and managed a Schedule of Conservation Works and a Conservation Works Specification supported by architectural drawings shall be prepared. The Schedule of Conservation Works and a Conservation Works Specification supported by architectural drawings Conservation Management Plan shall be prepared by a qualified and experienced heritage practitioner and submitted to Council prior to issue of the Subdivision Certificate for Stage 1.
59. Submission of an 88E Instrument with the application for a Subdivision Certificate for Stage 1 that creates a positive covenant over the lot containing the existing Teneriffe building to ensure:
 - conservation and maintenance works are undertaken in accordance with the priorities and timeframe approved within the Schedule of Conservation Works and a Conservation Works Specification; and
 - any development application associated with the building shall be in accordance with

the Conservation Management Strategy.

60. The applicant is to demonstrate to Council, as the water supply authority, that the provisions outlined in the 'Notice of Requirements' is satisfied and obtain a certificate of compliance under Section 307 of the Water Management Act 2000. The Section 307 certificate must be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
61. At the conclusion of the construction works, work-as-executed (WAE) drawings shall be submitted, in accordance with Council's Engineering Standards.

WAE drawings shall be provided in hard copy, PDF and DWG format on USB (preferably) or CD. At the conclusion of the final stage of this development, a consolidated set of Work as Executed drawings and GPS data shall be provided encompassing all the stages.

The GPS electronic data below is required to be provided. The provider shall certify that the data provided complies with this clause.

Survey Type/Standard	Real Time Kinematic (RTK) by registered surveyor
Projection	GDA94 (MGA55)
Position quality	Within 20mm horizontal, 30mm vertical
File format	Co-ordinates to be provided in Excel *.xls spreadsheet or comma delimited *.txt or .csv; and line data to be provided in either MapInfo Tab or DWG formats
Data required	Co-ordinates, AHD height, point codes and unique ID's, distinct lines connecting individual coordinate points clearly differentiated in colour for discrete assets. Levels in MGA (AHD)
Code legend	Code legend to be provided

Points, line and related tables required

Property	<ul style="list-style-type: none"> Individual lot boundary points
Roads	<ul style="list-style-type: none"> Kerb and gutter at invert to show line and length, including at tangent points Footpaths on both edges to show line and length Traffic island around the outside edge to show size and shape
Water Supply	<ul style="list-style-type: none"> Water mains at T-junctions and length Hydrants at the centre of the cover Stop valves at the centre of the cover Meter boxes at the centre of the box
Sewer	<ul style="list-style-type: none"> Manholes at centre of lid Property connections at the intersection point with the main and at the end of the junction
Stormwater	<ul style="list-style-type: none"> Pits at the centre of the lid Headwalls at the centre of the headwall Property connections at the intersection point with the main and at the end of the junction Water quality devices e.g. swales, bio-detention basins, at relevant points to provide the outline
Other	<ul style="list-style-type: none"> Other significant infrastructure features

62. Upon completion of the works and prior to the release of the subdivision certificate, the developer's supervising engineer must provide documentation certifying compliance with the design plans and Council's engineering standards.
63. A Street number is to be displayed on the site for each lot.
64. All subdivision works are to be completed in accordance with this consent and all conditions satisfied or alternative appropriate arrangements in place to the satisfaction of Council.
65. Prior to release of the Subdivision Certificate it will be necessary to confirm by a Surveyor's Report that the completed earthworks on land affected by dams, filling and excavation have been carried out in accordance with the cross sections, filling and excavation plans and details submitted with the application for a Construction Certificate.
66. Submission of a final geotechnical report by a suitably qualified and experienced geotechnical consultant to be submitted to Council, prior to the issue of the Subdivision Certificate. The report shall include, but is not necessarily limited to:
 - The suitability of each allotment for residential developments. In this regard each lot shall be given a classification in accordance with AS 2870.1 – Residential Slabs and Footings;
 - A fill plan showing the extent and depth of fill to the allotments. Final surface levels are to be reflected on the final WAE plan;
 - Certification that all earthworks within the site have complied with the approved Construction Certificate plans;
 - Certification that all recommendations contained in geotechnical reports lodged in support of the development have been satisfied; and
 - The exact extent of any restricted building zones or any other restrictions affecting any of the allotments.
 - Identification of all land affected by the flood planning level.
67. A Restriction as to User shall be placed on all future allotments that have been subjected to filling. The Restriction shall disclose the extent and depth of fill and any geotechnical requirements for future residential development.
68. All fences within the subdivision shall be limited to the design approved with the Construction Certificate. An appropriate Restriction as to User to effect this shall be submitted to Council and approved prior to the issue of the Subdivision Certificate.
69. Street trees are to be planted in accordance with the plan approved by Council's Landscape Planner prior to the issue of a Subdivision Certificate. The trees are to be planted in a workmanlike fashion and maintained by the developer for the full 12 month maintenance period. Any plants that die or are vandalised during the maintenance period are to be replaced by the developer within one month.
70. Written evidence from the gas supply authority (i.e. Jemena) shall be supplied to Council to confirm that satisfactory arrangements have been made for the supply of gas infrastructure to each proposed lot.
71. Submission of a Notice of Arrangement from the electricity supply authority (i.e. Essential Energy) shall be supplied to Council confirming that satisfactory arrangements have been made for the supply of reticulated electricity to each proposed lot.
72. Prior to the issue of the Subdivision, a letter of practical completion from the telecommunications infrastructure provider shall be provided to the Certifying Authority/Council confirming that arrangements have been made for:
 - c) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose. And

- d) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

73. The submission of a name(s) for the new road/s shall be made to Council, prior to the issue of the Subdivision Certificate. The approved road name/s are to be written on the plan of subdivision. The applicant is to pay for the supply and erection of all the necessary signs to Council prior to the issue of a Subdivision Certificate. Alternatively the developer must carry out the works in accordance with AS1742.

The proposed road name for the new road(s) will need to be submitted to Council for approval in accordance with Council's Approved Names for Road and Public Place Naming Policy and the Geographical Names Board of NSW Guidelines for the Naming of Roads. The number of signs is to be determined in consultation with Council's Engineering Services.

The applicant can make written application to Council for a quote for road signs to be made and installed in accordance with AS1742.

For proposed street names that are not on the approved list, development proponents must follow the process within the above policy and first obtain approval before the subdivision certificate application is made.

74. In accordance with Clause 4.1 of the Goulburn Mulwaree Local Environmental Plan 2009, all lots within the RU6 Zone specifically being Lots C8 - C18, E1 – E11 and H16 –H19 inclusive shall be created as Community Title lots under the Community Land Development Act 1989.

ONGOING MANAGEMENT

75. The maintenance period is 24 months and commences on the date of issue of the Subdivision Certification, Occupation Certificate, or equivalent.

The maintenance bond is an amount of 5% of the value of the total engineering works (minimum amount \$1,000). This bond is held by Council to cover any defects or omissions which may arise or become apparent in the maintenance period. The maintenance bond is to be paid to Goulburn Mulwaree Council prior to the issue of the Subdivision Certificate.

During the maintenance period Council may direct the developer to rectify any omission or defect in the work which existed at the time of Notification of Completion or becomes apparent prior to the expiration of the maintenance period. If defects or omissions are not rectified within one month, Council may rectify the omission or defect and apply the maintenance bond as payment of the cost for the rectification.

The maintenance period of any rectification work will be extended a further 24 months, however, at the expiration of the original 24 month maintenance period, the amount of the maintenance bond will be reduced in accordance with the value of the work under maintenance.

The nature of some defects e.g. water main breaks, may necessitate Council's immediate action to rectify, in which case the developer is responsible for reimbursing Council's costs. Upon expiration of the maintenance period, it will be the developer's responsibility to request Council to release the maintenance bond.

The requirement for the developer to rectify effects and omissions in accordance with this clause holds true after the expiration of the maintenance period in the case that such defects and omissions are undiscoverable by normal means but come to light at a subsequent time.

AGENCY CONDITIONS

WATERSW CONCURRENCE CONDITIONS

76. Water NSW concurs with Council granting consent to the application, subject to the following conditions, which must be satisfied during the relevant stage of the development and prior to the issue of the Subdivision Certificate (or at a time as otherwise stated in the condition):

77. **General**

The lot layout and staging of the subdivision shall be as shown on the Staging Plan prepared by Spacelab Studio Pty Ltd (Project No 17-1287, Drawing No ST01; Issue DA, Revision A; dated 27.06.2018). No revisions to lot layout or staging of the subdivision that will impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 77 - Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the subdivision.

78. **Subdivision Roads**

The subdivision roads shall be located and constructed as shown on the General Arrangement Plan (Drawing No. C006; Rev D; dated 10/09/18) and Typical Road Sections (Drawing No. C105 – C108 & C110 – C112; Rev B; dated 23/08/18; Drawing No. C109; Rev C; dated 23/08/18) prepared by FRAISH Consulting Pty Ltd, but with the following specifications and requirements:

- be sealed and otherwise constructed in accordance with Council's engineering standards
- runoff to be collected via a series of pits and pipes and directed to various water quality treatment measures detailed in the following conditions, and
- incorporate inlet filters (Enviropod 200 or Water NSW endorsed equivalent) on all inlet pits.

79. All stormwater structures and drainage works associated with the proposed subdivision roads shall be wholly included in the roads or drainage reserves or within suitably defined easements.

Reason for Conditions 78 & 79 – To ensure that the proposed subdivision roads and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.

80. **Stormwater Management**

All stormwater treatment and management structures, **as appropriate for each stage of the subdivision**, shall be implemented as specified and shown on the Stormwater Catchment Plan (Drawing. No. C300, Rev D; dated 18/09/18) and the Stormwater Plan (Drawing. No. C305, Rev D; dated 18/09/18) all prepared by FRAISH Consulting Pty Ltd, except where elaborated or varied in the following conditions.

81. Detailed design of the proposed stormwater treatment and management structures, including clean water diversion, raingardens and wetland, for the development shall be developed in consultation with Water NSW and approved by Council, **prior to issuance of Construction Certificate for respective stages of the subdivision.**

82. The wetland shall be constructed and shall incorporate the following specifications:

- a minimum inlet pool volume/sediment bay of 1800 cubic metres, have a minimum surface area of 3000 square metres and a permanent pool volume of 2500 cubic metres, and
- a minimum extended detention depth of 1.5 metres, and
- measures to protect during upstream construction works.

83. Three bioretention basins/raingardens shall be constructed **prior to issuance of Subdivision Certificate for Stage 2C of the subdivision**. All bioretention basins/raingarden/shall also incorporate the following specifications:

- have a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
- be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by

rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)

- the piped drainage discharge directed to Council's stormwater system, and
- weir and high flow bypass directed to the wetland.

84. The raingardens and wetland shall:

- direct all discharge and overflow via armoured discharge points such that discharge does not cause erosion
- be accessible by machinery to facilitate cleaning, monitoring and maintenance of the structures
- ensure the discharge outlets are consistent with the requirements of any Controlled Activity Approval under the *Water Management Act 2000* from the Department of Industry - Water
- be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
- be protected by sediment and erosion control measures during any construction and post-construction phase until the upstream ground surface is revegetated or stabilised.

85. No changes to stormwater treatment and management that will impact on water quality, shall be permitted without the agreement of Water NSW.

86. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council **prior to the issuance of the Subdivision Certificate for each stage of the subdivision** that all stormwater treatment and management structures have been installed as per these conditions of consent and are in a functional state.

87. An Operational Environmental Management Plan (OEMP) **for respective stages of the subdivision** shall be prepared in consultation with Water NSW and Council (as the stormwater treatment and management structures will be handed over to Council) by a person with knowledge and experience in the preparation of such plans. Each OEMP shall be prepared **prior to the issuance of a Subdivision Certificate for that particular stage of the subdivision**. The OEMP shall include but not be limited to:

- details on the location, description and function of stormwater treatment and management structures such as pits, pipes, inlet filters, drains, bunds, swales, raingardens, wetland and any other stormwater structures and drainage works
- an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater treatment and management structures, before and after handing over to Council, including the frequency of such activities
- the identification of the individuals or positions responsible for inspection and maintenance activities, before and after handing over to Council, including a reporting protocol and hierarchy
- the identification of detailed requirements and measures for the protection of the raingardens and wetland from sediment generated during the construction of dwellings on the proposed lots, and
- checklists for recording inspections and maintenance activities.

88. All stormwater treatment and management structures shall be monitored, maintained and managed as per the Operational Environmental Management Plan referred in Condition 11 above.

Reason for Conditions 80 to 88 – To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term.

89. There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being Water NSW, placed over proposed Lot U1 requiring that the clear water diversion drain required by the Soil and Water Management Plan prepared by FRAISH Consulting Pty Ltd (dated September 2018) be retained, protected and maintained in accordance with the Operational Environmental Management Plan and that no development take place within one metre of the structure.

Reason for Condition 89 – To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term.

90. **Future Dwellings**

There shall be an instrument under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being Water NSW, placed over all proposed lots requiring that future dwellings have a rainwater collection and reuse system that include the following specifications and requirements:

- rainwater tanks with a minimum total capacity of 10,000 litres above any volume required for mains top-up
 - roofs and gutters designed so as to maximise the capture of rainwater in the tanks
 - the tanks plumbed to toilets, hot water & laundry and other areas for non-potable use including use for gardens, and
 - rainwater tank overflow directed to intra-allotment drainage or street stormwater drainage.
91. An owner's Operational Environmental Management Plan, detailing the location and nature of the each lot's stormwater collection, reuse and treatment system, including gutters and rainwater tanks shall be developed in consultation with Water NSW **prior to the issuance of the Subdivision Certificate for respective stages of the subdivision** and provided to each future owner of the lot.

Reason for Conditions 90 & 91 - To ensure stormwater runoff from the future dwellings and associated infrastructure is appropriately managed and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

92. **Construction Activities**

A Soil and Water Management Plan (SWMP) based on the Erosion and Sediment Control Plan (Drawing No. C211, Rev D; dated 12/09/2018) prepared by FRAISH Consulting Pty Ltd shall be prepared for each stage of the subdivision in consultation with Water NSW for all works proposed or required as part of the subdivision, including the subdivision roads, by a person with knowledge and experience in the preparation of such plans. The Plan shall be prepared **prior to the issuance of a Construction Certificate for each stage of the subdivision**, and shall be to the satisfaction of Council.

93. The Soil and Water Management Plans, **for each stage of the subdivision**, shall be implemented and effective erosion and sediment controls shall be installed prior to any construction activity including earthworks for site access and the subdivision roads. The controls shall prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain and shall be regularly maintained and retained until works have been completed and groundcover established.

Reason for Conditions 92 93 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

NSW RURAL FIRE SERVICE APPROVAL CONDITIONS

94. The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions which must be satisfied prior to the issue of the Subdivision Certificate:

The development proposal is to comply with the subdivision layout identified on the drawing

prepared by Spacelab numbered 17-1287, dated 14 June 2018.

95. **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of the buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

At the issue subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

96. A 10 metre asset protection zone (APZ) is to be provided from the northern and north western boundaries of proposed Lots R1-R6, R8-R11 and S1 of the development over proposed lot U1. In accordance with section 88B of the 'Conveyancing Act 1919' a restriction to the land use shall be placed on lot U1 requiring the provision of this APZ which shall be maintained as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

97. **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

98. **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

Public roads access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

99. **General Advice – consent authority to note**

This advice has been provided as recent experiences from bush fires in New South Wales have demonstrated that a significant threat can exist for developments in grassland areas.

The creation of a 10m wide asset protection zone to benefit proposed lots R1-R6, R8-R11 and S1 will mean that these lots will not have the development constraint of providing a 10 metre setback within their boundaries.

REASONS FOR CONDITIONS

Conditions have been imposed in accordance with the requirements of Section 4.17 of the *Environmental Planning and Assessment Act, 1979*, in particular having regard to the relevant provisions of Section 4.15.

- To comply with the provisions of relevant Environmental Planning Instruments (including drafts) regulations and development control plans. (Section 4.15(1)(a)(i)-(iii)).
- To ensure that there is no adverse effect caused by the development. (Section 4.15(1)(b)).
- To ensure that the site is suitable for the development. (Section 4.15(1)(c)).
- To protect the public interest. (Section 4.15(1)(e)).

Regulation 2000 Clause 101 requirements for Section 7.11 condition/s:

All Contributions Plans are available for inspection free of charge at the Goulburn Mulwaree Council, Civic Centre, Bourke Street Goulburn during usual office hours.

NOTES

Construction Certificate

Where construction work is proposed development consent is the first step. Before construction commences, a Construction Certificate must be obtained from Council or an accredited certifier.

Lapsing of Development Consent

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

Right of Appeal

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months after the date the applicant received this notice (Section(s) 8.7 & 8.10 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, in the case of designated development determined by the consent authority after a public hearing held by the Planning Assessment Commission.

Review

An applicant may request the Council to review this determination within six (6) months after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

Notes:

A Review cannot be requested for:

- *a determination to issue or refuse to issue a complying development certificate, or*
- *a determination in respect of designated development, or*
- *a determination in respect of integrated development, or*
- *a determination in respect of integrated development, or a determination made by Council under Division 4 in respect of an application by the Crown.*
- *a determination in which a regional panel exercises a Council's functions as the consent authority.*

Charges

Charges are reviewed each financial year. Any charges payable for this consent should be confirmed prior to payment. A copy of Council's fees and charges is available free of charge at the Council offices.

THIS FORM MUST BE PRESENTED WITH PAYMENT OF CHARGES AND DOES NOT FORM PART OF THE NOTICE OF DETERMINATION

SUMMARY OF CHARGES 2018/19

DA Number: DA/0183/1718
Applicant: Spacelab Studio Pty Ltd
Owner: S W Hazelton
Subject Land: 133 Marys Mount Road, Goulburn
 Lot 28 DP479
No. Of Lots: Stage 1 – 1 Lot and Stage 2 -388 Lots

Description	Mnemonic	Unit	Rate	Amount	Comments
Goulburn Mulwaree Council Section 94 Development Contributions Plan 2009					
Marys Mount Precinct					
Open Space per lot	Gs94	per lot	\$1,039		
Roads and Traffic Facilities Crookwell Road Zone per lot	Gs94	per lot	\$4,326		
Administration Cost per dwelling or lot	Gs94	per unit/ dwelling/ lot	\$65		
Goulburn Mulwaree Council Development Servicing Plan for Water Supply, Sewerage and Stormwater 2017					
Water, Sewer and Stormwater		Subject to a 305 application under the Water Management Act.			
Non Plan Payments					
Subdivision Certificate	Application Wizard		\$xx		
Landscape Bond	GLandscaping/Bond		No fixed cost – to be calculated		
Engineering Maintenance Bond	GMaintenance/Bond		No fixed cost – to be calculated		
Inspection Fee for Engineering Drawings/ Works	GIInsp/SubDiv		\$xx (Urban) \$xx (Rural)		

ADVISING

These contributions are reviewed annually (effectively 1 July each year) and the contribution rates are to be confirmed prior to payment.

OFFICE USE ONLY

Receipt No.

Date

Original Planning and Development Department
 Copies to Goulburn Water Services Manager
 Finance Manager



1 June 2021

Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Attention: Mr Nick Thistleton
Ms Kate Wooll

Request for Planning Proposal – Partial Rezoning of Teneriffe

Dear Nick & Kate,

I refer to our meeting on 27 April 2021 and your email of the same date regarding a Proposal to rezone 21 blocks in Stage 2D2 of the Teneriffe subdivision.

Following discussions with Council, we understand Council requires a letter requesting the rezoning and outlining a rationale and justification for same. As such, please accept this letter as our formal request, with details of the Proposal provided in the following sections.

Proposal

Core Developments are the Proponent of a residential subdivision at 133 Marys Mount Road (Lot 500 DP1247515). The subdivision was originally approved on 27 September 2018 (DA0183/1718) as a two-stage residential subdivision. A modification was subsequently lodged and approved in 2019 to split the subdivision into 7 stages. The blocks subject of this rezoning request are in Stage 2D2, which is the final stage.

In respect of Stage 2D2, Condition 74 of the modification determination (2019) noted that a number of lots fell within the RU6 Transition zone and therefore could only be delivered under a Community Title scheme. The lots subject to this condition are:

- C1, C2, C23, C24, E1 – E11, E13 – E19

Instead of delivering these lots under Community Title, the Proponent is seeking to have these lots rezoned to R2 Low Density Residential zone, consistent with the rest of the Teneriffe estate.

Rationale

Rezoning the blocks to R2 is considered to be a better outcome for the estate and future landowners as it ensures all blocks within the estate are zoned the same (R2 low density), and it means that future owners of these blocks are not subject to body corporate fees or maintenance and upkeep requirements associated with Community Title common property.

It is understood that the intent of the RU6 transition zone is to:

1. *Protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities*
2. *To minimise conflict between land uses within this zone and land uses within adjoining zones*

In the case of Teneriffe, the RU6 zone provides a buffer between residential uses (R2 Zone) and areas of environmental significance and/or sensitivity (E3 Zone).

Core Developments
Unit 3/57 Dacre Street
MITCHELL ACT 2911
Phone: 6108 4918
Email: info@coredev.com.au

Noting the buffer zone (RU6) expands some 650m between the R2 Low Density zone and the E3 Environmental Management area, the proposed adjustment to the zone boundary is not considered to erode the function of either the RU6 zone or the E3 zone. This is on the basis that the proposed rezoning represents a minor zone realignment only, leaving a 550m buffer between the residential and environmental zones upon successful variation.

The proposed rezoning is also considered to meet the recommendations of the *Goulburn Mulwaree Council Urban and Fringe Housing Strategy*, noting the Strategy states 'much of this land (RU6 Transition Zone) has been identified as some of the land less constrained and therefore better suited for urban development'. In addition, the Strategy states that management of the interface between the zones and managing land use conflicts will be key. Noting there will continue to be significant separation between residential and environmental land uses, the proposed rezoning is considered consistent with this recommendation.

Further, the *Goulburn Mulwaree Strategy 2020* recommends location of residential living areas on land that is able to be serviced by infrastructure in a cost-effective way, and on land which is less productive from an agricultural perspective. Given the expansion of urban areas on blocks adjacent to the site and also within the Teneriffe estate, it is considered the majority of land zoned RU6 in proximity to the site is unsuitable for agricultural use and as such, rezoning of this land is consistent with the recommendations of the *Goulburn Mulwaree Strategy 2020*.

Noting the rezoning only affects a very small portion of the transition zone and the fact that a 550m buffer will remain between the residential zone and environmental protection zone, even after successful rezoning, the interface between the zones will not be negatively impacted.

Conclusion

In conclusion, we seek Council's support for a rezoning of 21 blocks in the Teneriffe estate from RU6 Transition Zone to the R2 Low Density Zone. The purpose of the rezoning is to facilitate residential subdivision of the blocks inline with DA0183/1718.

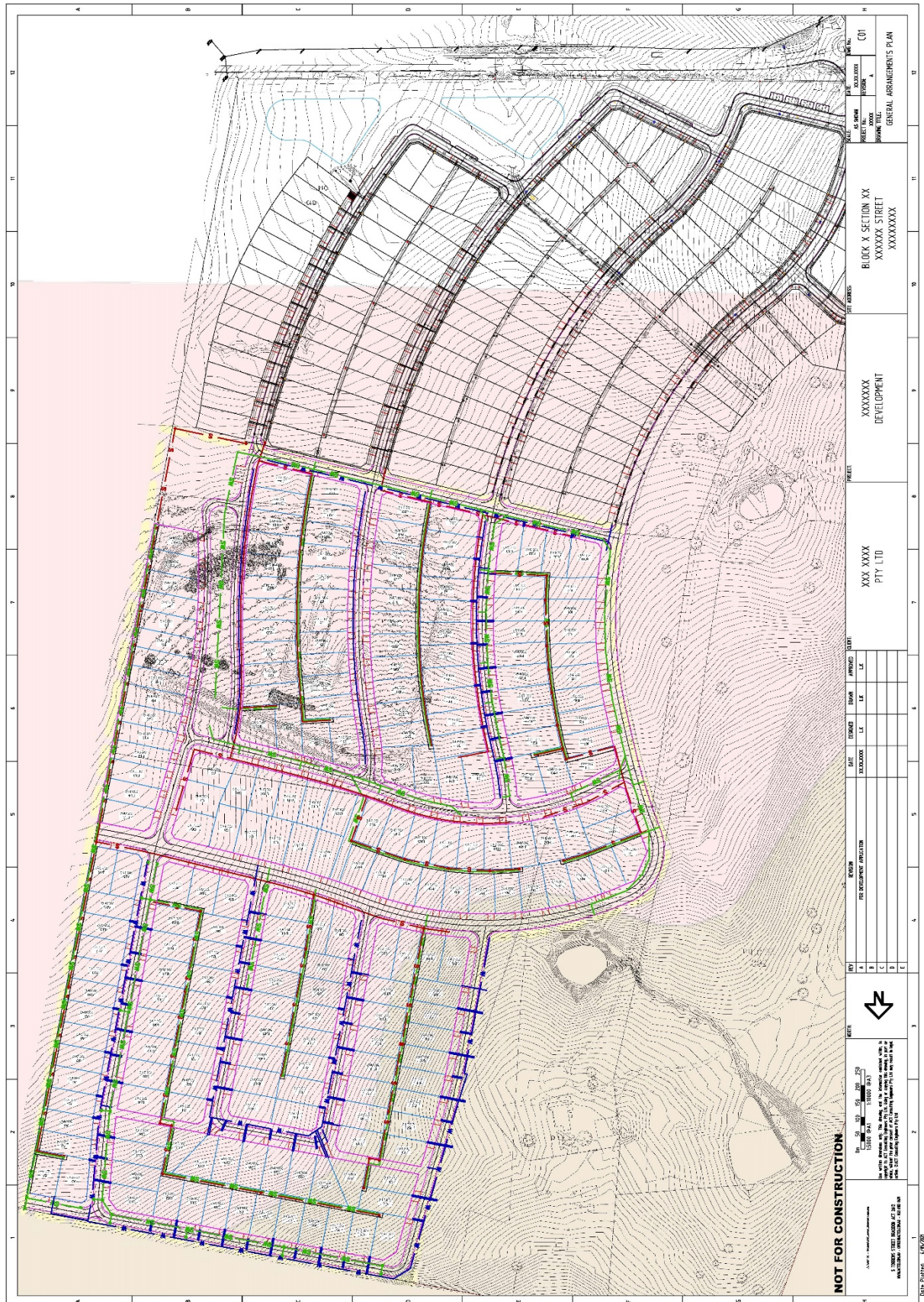
In the determination for DA0183/1718, Council recommended subdivision of these lots under a Community Title scheme, however, upon review of the requirements associated with Community Title schemes, the Proponent considers rezoning blocks to R2 to be a better outcome for future residents.

The proposed rezoning is also considered consistent with the *Goulburn Mulwaree Council Urban & Fringe Housing Strategy* and *Goulburn Mulwaree Strategy 2020*. In addition, the intent of the RU6 transition zone is not considered to be impacted by the rezoning, noting a 550m buffer between the proposed R2 and E3 zone will remain, even upon successful rezoning.

Should Council require clarification of any of the information provided, or wish to discuss the Proposal further, please do not hesitate to contact Emily Leemhuis or Matt Cuthbert of Core Developments.

Yours Sincerely,

Figure 1: Tenerife Zoning Plan



Applicant details

Title	Ms
First given name	Emily
Other given name/s	
Family name	Leemhuis
Contact number	0450783193
Email	emily.leemhuis@coredev.com.au
Address	Unit 3, 57 Dacre Street, Mitchell ACT
Is the applicant a company?	Yes
Name	CAPPELLO ADMINISTRATIVE SERVICES PTY LTD
ABN	38606606517
ACN	606606517
Trading Name	

Subject Land

What land does the planning proposal apply to?	Large area of the LGA (six or more lots)
Which LGA does the proposal relate to?	GOULBURN MULWAREE

Type of Planning Proposal

What controls does the planning proposal relate to ?	The planning proposal relates to map based planning provisions
--	--

Select the site of the development

Planning Proposal - subject provisions

Which planning provisions does the planning proposal seek to amend? (select all that apply)	Land use zone
Please provide a brief description of the effect of the planning proposal	Rezone 21 blocks from RU6 to R2

Prelodgement meeting

Has a pre-lodgement meeting occurred?	Yes
Meeting Date	27/04/2021
Planning Officer	Nick Thistleton & Kate Wooll

Voluntary Planning Agreement

Is the application accompanied by a voluntary planning agreement (VPA)?	No
---	----

Pecuniary interest

Is the applicant or owner an employee or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or council or of the Councillor assessing the application?	No

Political Donations

Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
--	----

Payer details

First name	Capello
Other given name/s	Administrative
Family name	Services
Contact number	61084918
Email	info@coredev.com.au
Billing address	Unit 3, 57 Dacre Street, Mitchell ACT

Application documents

The following documents support the application

Document type	Document file name
Draft Planning Proposal	Letter to Council 1 June 2021
Map of the applicable land area	20-112-2C1-C01 - GENERAL ARRANGEMENTS (14)

Declarations

I declare that all the information in my application and accompanying documents is, to the best of my knowledge, true and correct.	Yes
I understand that the application and the accompanying information will be provided to the appropriate consent authority and relevant agency(ies) for the purposes of the assessment of this application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
The Planning Proposal authority may use the information and materials provided for notification, advertising purposes, and may be made available to the public for inspection. Information related to the application may also become available via NSW Planning Portal.	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I have read and agree to the collection and use of my personal information as outlined in the	Yes

15.3 PLANNING PROPOSAL TO REZONE LAND AT THE TENERIFFE RESIDENTIAL SUBDIVISION, MARYS MOUNT ROAD, GOULBURN**RESOLUTION 2021/301****Moved: Cr Sam Rowland****Seconded: Cr Alfie Walker****That:**

- 1. The report from the Senior Strategic Planner on the Planning Proposal to Rezone Land at the Teneriffe Residential Subdivision, Marys Mount Road be received.**
- 2. Council prepare a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m² and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m².**
- 3. The planning proposal once prepared, be submitted to the Department of Planning, Industry and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.**
- 4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.**
- 5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.**

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Sam Rowland, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

15.3 PLANNING PROPOSAL TO REZONE LAND AT THE TENERIFFE RESIDENTIAL SUBDIVISION, MARYS MOUNT ROAD, GOULBURN

Author: Nick Thistleton, Senior Strategic Planner

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Letter of Request [↓](#) 

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
Cost to Council:	Nil

RECOMMENDATION

That:

1. The report from the Senior Strategic Planner on the Planning Proposal to Rezone Land at the Teneriffe Residential Subdivision, Marys Mount Road be received.
2. Council prepare a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m² and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m².
3. The planning proposal once prepared, be submitted to the Department of Planning, Industry and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

This matter has not previously been reported to Council.

REPORT

Introduction

Council has received a request from the developer of the Teneriffe residential subdivision on Marys Mount Road, Goulburn to rezone part of their land from RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m² under the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) (**Attachment 1**). This request relates specifically to Lot 184 DP 1250044, which has development consent for subdivision into approx. 222 x 700m² lots, constituting four (4) stages of the larger approved Teneriffe residential subdivision that have not been registered as yet (DA/0183/1718) (**Figure 1**).



Figure 1: Zone map showing boundary of 184 DP 1250044 outlined in red with the location of the RU6 Transition zone outlined in yellow.

All of the lots approved as part of DA/0183/1718 covered partly or wholly by the RU6 Transition zone and 20 hectare minimum lot size on Lot 184 DP 1250044 were approved as community title lots, with the remainder of the larger Teneriffe residential subdivision being approved as Torrens title lots. These lots were approved in this manner as there were no minimum lot size restrictions applicable to community title subdivisions in the RU6 Transition zone at the time and because the lots were otherwise contiguous with an existing residential area within the same lot boundary. The ability to do a community title subdivision in the RU6 Transition zone that resulted in lots below the minimum lot size has since been removed from the GM LEP, following Amendment 19 to the GM LEP, endorsed by Council on 17 November 2020 (resolution 2020/483) and made on 27 November 2020. This amendment does not, however, affect the approval of DA/0183/1718.

The reason for the proponent's request to rezone the RU6 Transition zone and 20 hectare minimum lot size portion of the subject land is to allow them to convert the approved residential lots from a community title subdivision to a Torrens title subdivision. Torrens title subdivision is preferred by the proponent as it does not burden future owners of the approved lots with complex management structures or regulations applicable under separate community title subdivision legislation for lots that otherwise look like and function as a standard Torrens title subdivided residential lot.

Strategic Planning supports the request from the proponent as it will benefit future owners of the as yet unregistered lots if they were to be modified and become Torrens title subdivided lots. As outlined in this report, this request is supported by Council's adopted *Urban and Fringe Housing Strategy* and the prior approval of DA/0183/1718.

Strategic Assessment

The request from the proponent to rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m² and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m² is supported on the basis that it is consistent with the recommendations of Council's adopted *Urban and Fringe Housing Strategy* and the prior approval of DA/0183/1718.

The subject site is directly identified as an urban release area in the Middle Arm Precinct under the *Urban and Fringe Housing Strategy* (**Figure 2**). This means that the area is identified as suitable for immediate release into 700m² residential lots subject to relevant site specific environmental assessments and approval processes.

5/6 - Middle Arm constraints and opportunities

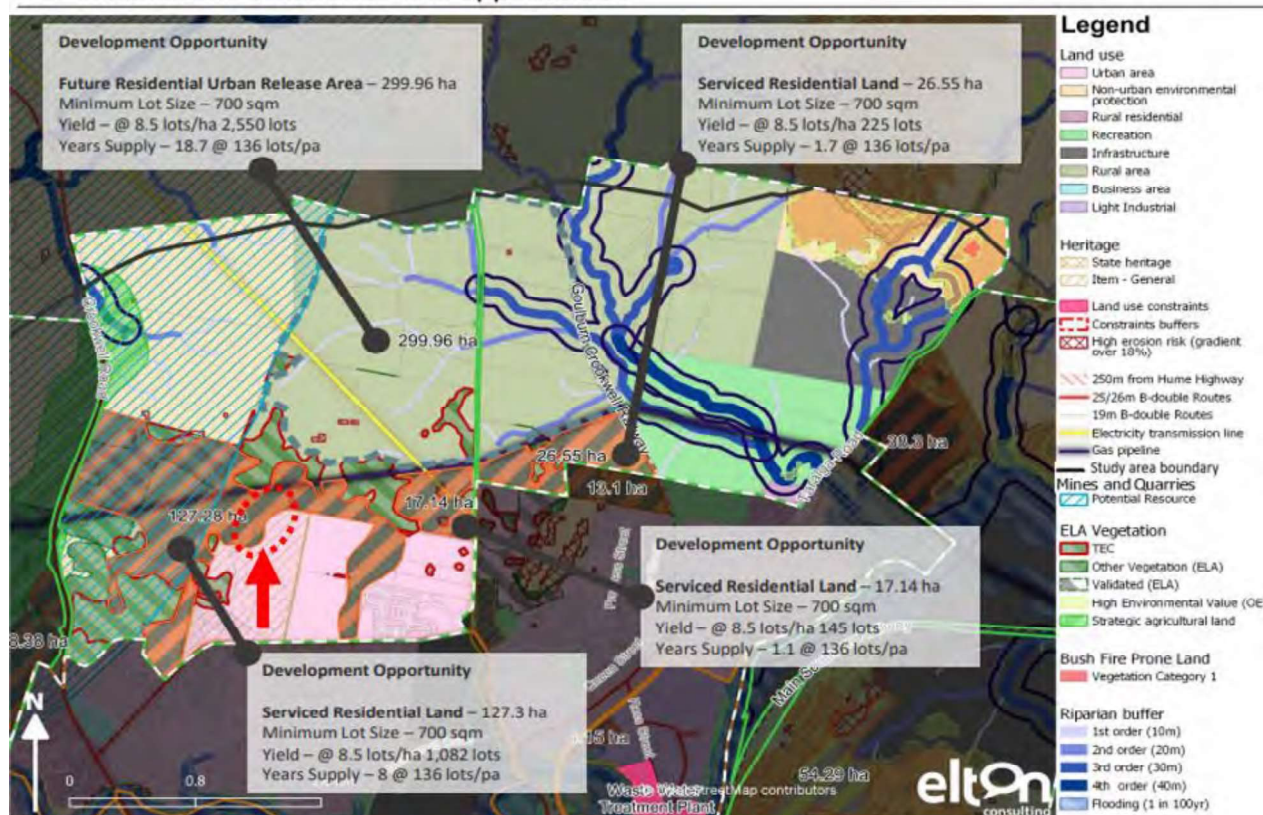


Figure 2: Extract from *Urban and Fringe Housing Strategy* with the approximate location of the urban release area over the subject site circled in dotted red.

Additionally, the site is already subject to approval for 700m² residential lots under DA/0183/1718. This means that effectively all relevant site planning considerations have already been fully assessed and that no further assessments, such as biodiversity, contamination or bushfire assessments are considered necessary for the purposes of the planning proposal.

It is also understood from internal discussions with Council's planning team and Utilities Directorate that the reason for the imposition of the RU6 Transition zone over part of the lot, as opposed to the edge of the lot boundary, was partly to represent what used to be the maximum elevation that could be serviced by Goulburn's reticulated water supply and partly to reflect the ridgeline in the area. The purpose of the RU6 Transition zone in this specific instance was therefore to indicate what land was considered undevelopable for residential purposes just prior to the GM LEP being created in 2009. It is now understood from internal discussions with the Utilities Directorate and the assessment of DA/0183/1718 that this land is now capable of being serviced by Goulburn's water supply and has been assessed as not causing an unacceptable impact upon the ridgeline.

Conclusion and Recommendation

It is recommended that the request to rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m² and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m² be supported by Council. If the recommendation is supported, the planning proposal will be reported back to Council for final consideration after agency consultation and public exhibition is completed in accordance with the gateway determination.



1 June 2021

Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Attention: Mr Nick Thistleton
Ms Kate Wooll

Request for Planning Proposal – Partial Rezoning of Teneriffe

Dear Nick & Kate,

I refer to our meeting on 27 April 2021 and your email of the same date regarding a Proposal to rezone 21 blocks in Stage 2D2 of the Teneriffe subdivision.

Following discussions with Council, we understand Council requires a letter requesting the rezoning and outlining a rationale and justification for same. As such, please accept this letter as our formal request, with details of the Proposal provided in the following sections.

Proposal

Core Developments are the Proponent of a residential subdivision at 133 Marys Mount Road (Lot 500 DP1247515). The subdivision was originally approved on 27 September 2018 (DA0183/1718) as a two-stage residential subdivision. A modification was subsequently lodged and approved in 2019 to split the subdivision into 7 stages. The blocks subject of this rezoning request are in Stage 2D2, which is the final stage.

In respect of Stage 2D2, Condition 74 of the modification determination (2019) noted that a number of lots fell within the RU6 Transition zone and therefore could only be delivered under a Community Title scheme. The lots subject to this condition are:

- C1, C2, C23, C24, E1 – E11, E13 – E19

Instead of delivering these lots under Community Title, the Proponent is seeking to have these lots rezoned to R2 Low Density Residential zone, consistent with the rest of the Teneriffe estate.

Rationale

Rezoning the blocks to R2 is considered to be a better outcome for the estate and future landowners as it ensures all blocks within the estate are zoned the same (R2 low density), and it means that future owners of these blocks are not subject to body corporate fees or maintenance and upkeep requirements associated with Community Title common property.

It is understood that the intent of the RU6 transition zone is to:

1. *Protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities*
2. *To minimise conflict between land uses within this zone and land uses within adjoining zones*

In the case of Teneriffe, the RU6 zone provides a buffer between residential uses (R2 Zone) and areas of environmental significance and/or sensitivity (E3 Zone).

Core Developments
Unit 3/57 Dacre Street
MITCHELL ACT 2911
Phone: 6108 4918
Email: info@coredev.com.au



Noting the buffer zone (RU6) expands some 650m between the R2 Low Density zone and the E3 Environmental Management area, the proposed adjustment to the zone boundary is not considered to erode the function of either the RU6 zone or the E3 zone. This is on the basis that the proposed rezoning represents a minor zone realignment only, leaving a 550m buffer between the residential and environmental zones upon successful variation.

The proposed rezoning is also considered to meet the recommendations of the *Goulburn Mulwaree Council Urban and Fringe Housing Strategy*, noting the Strategy states 'much of this land (RU6 Transition Zone) has been identified as some of the land less constrained and therefore better suited for urban development'. In addition, the Strategy states that management of the interface between the zones and managing land use conflicts will be key. Noting there will continue to be significant separation between residential and environmental land uses, the proposed rezoning is considered consistent with this recommendation.

Further, the *Goulburn Mulwaree Strategy 2020* recommends location of residential living areas on land that is able to be serviced by infrastructure in a cost-effective way, and on land which is less productive from an agricultural perspective. Given the expansion of urban areas on blocks adjacent to the site and also within the Teneriffe estate, it is considered the majority of land zoned RU6 in proximity to the site is unsuitable for agricultural use and as such, rezoning of this land is consistent with the recommendations of the *Goulburn Mulwaree Strategy 2020*.

Noting the rezoning only affects a very small portion of the transition zone and the fact that a 550m buffer will remain between the residential zone and environmental protection zone, even after successful rezoning, the interface between the zones will not be negatively impacted.

Conclusion

In conclusion, we seek Council's support for a rezoning of 21 blocks in the Teneriffe estate from RU6 Transition Zone to the R2 Low Density Zone. The purpose of the rezoning is to facilitate residential subdivision of the blocks inline with DA0183/1718.

In the determination for DA0183/1718, Council recommended subdivision of these lots under a Community Title scheme, however, upon review of the requirements associated with Community Title schemes, the Proponent considers rezoning blocks to R2 to be a better outcome for future residents.

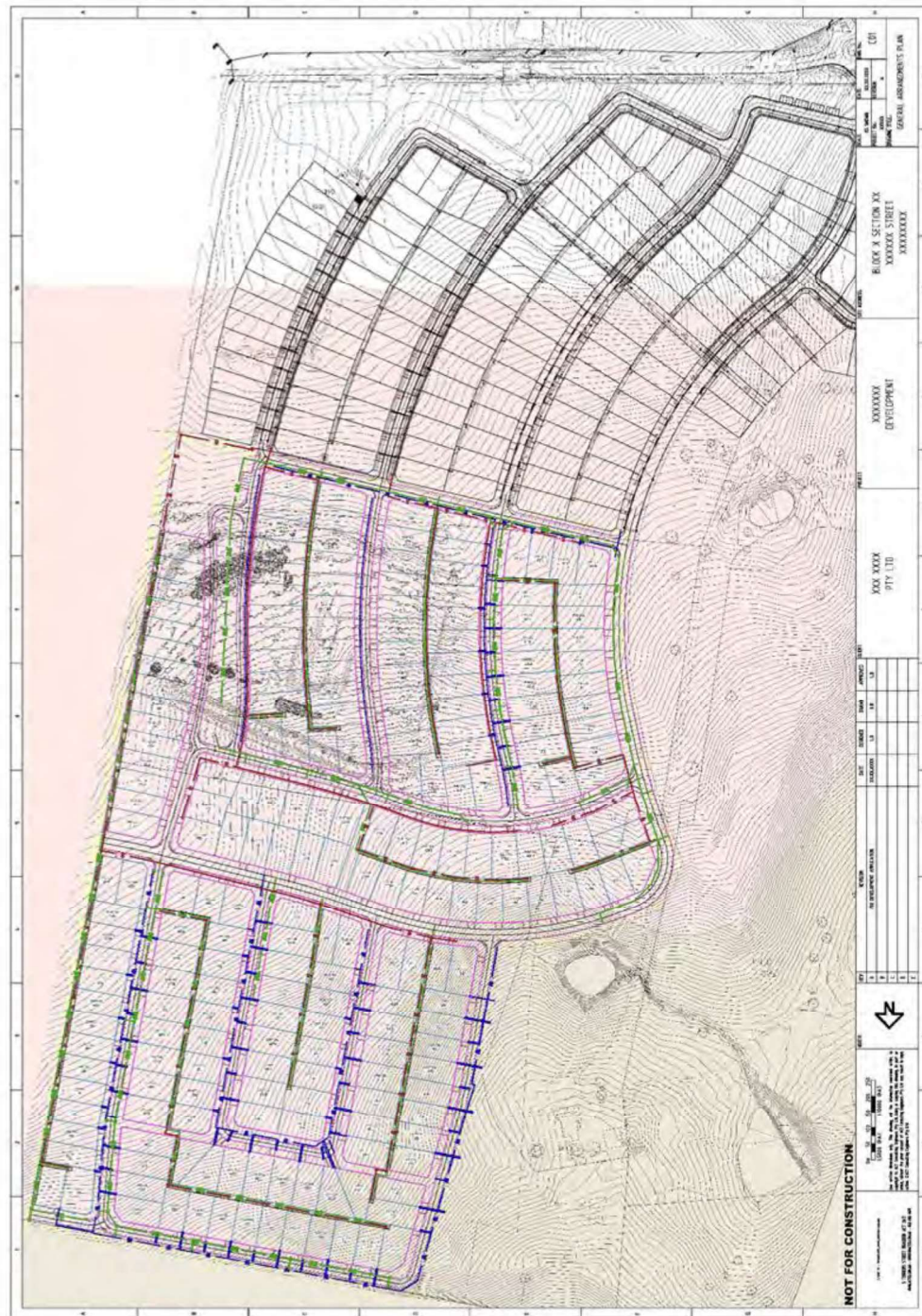
The proposed rezoning is also considered consistent with the *Goulburn Mulwaree Council Urban & Fringe Housing Strategy* and *Goulburn Mulwaree Strategy 2020*. In addition, the intent of the RU6 transition zone is not considered to be impacted by the rezoning, noting a 550m buffer between the proposed R2 and E3 zone will remain, even upon successful rezoning.

Should Council require clarification of any of the information provided, or wish to discuss the Proposal further, please do not hesitate to contact Emily Leemhuis or Matt Cuthbert of Core Developments.

Yours Sincerely,



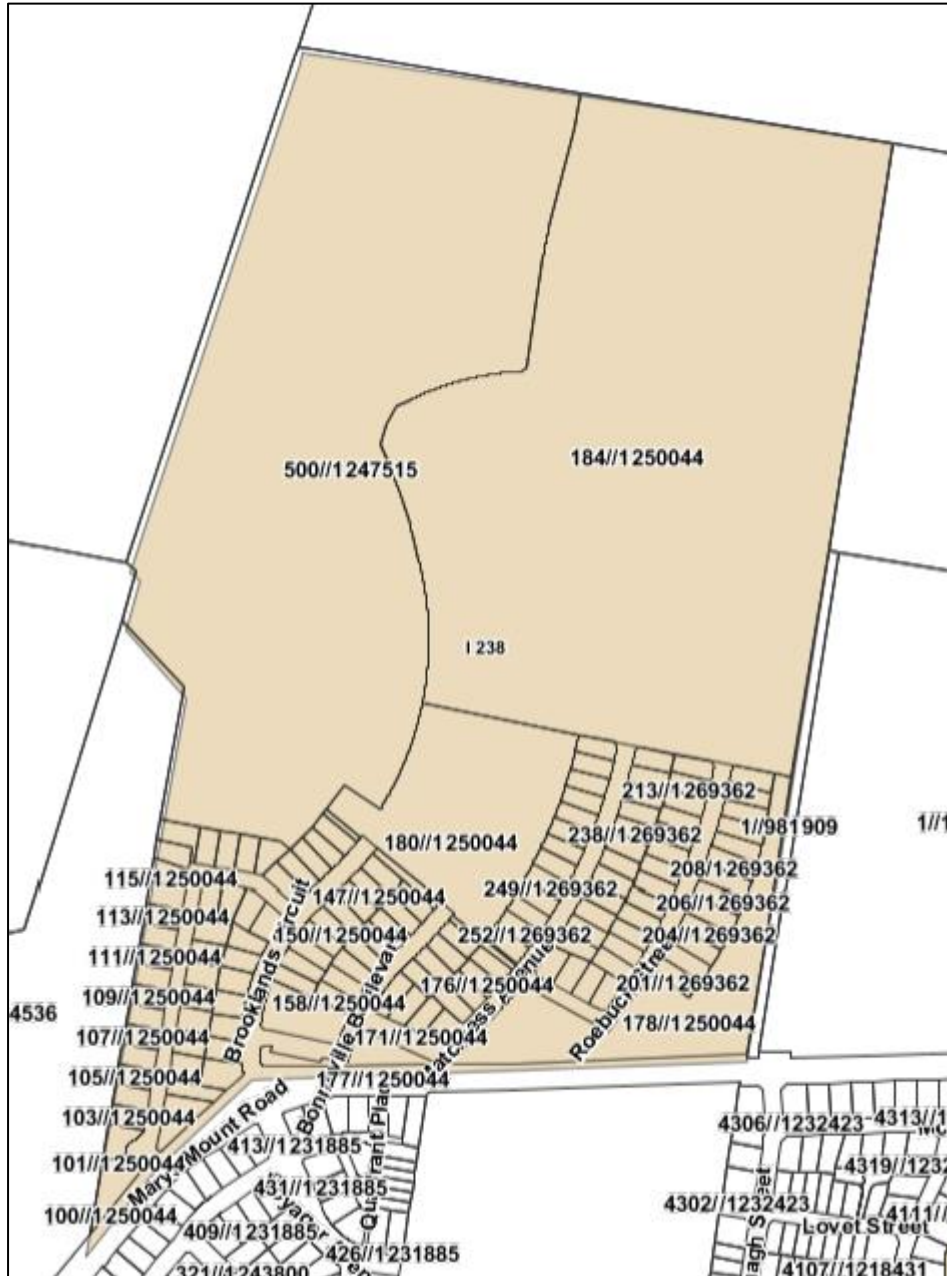
Figure 1: Tenerife Zoning Plan



Teneriffe Homestead Heritage Item Previous & Revised Boundary

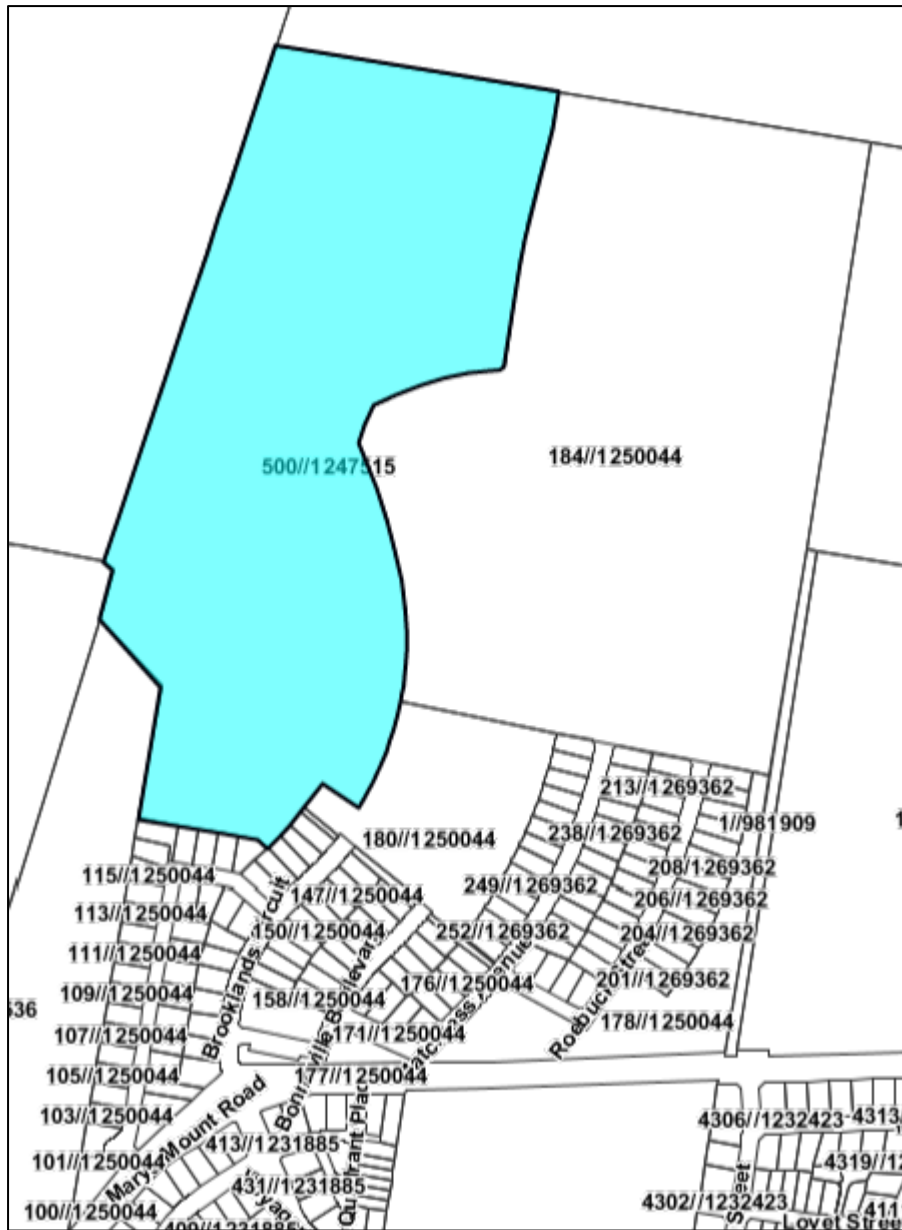
133 Marys Mount Road- Previous Schedule 5/HER ID number = I238

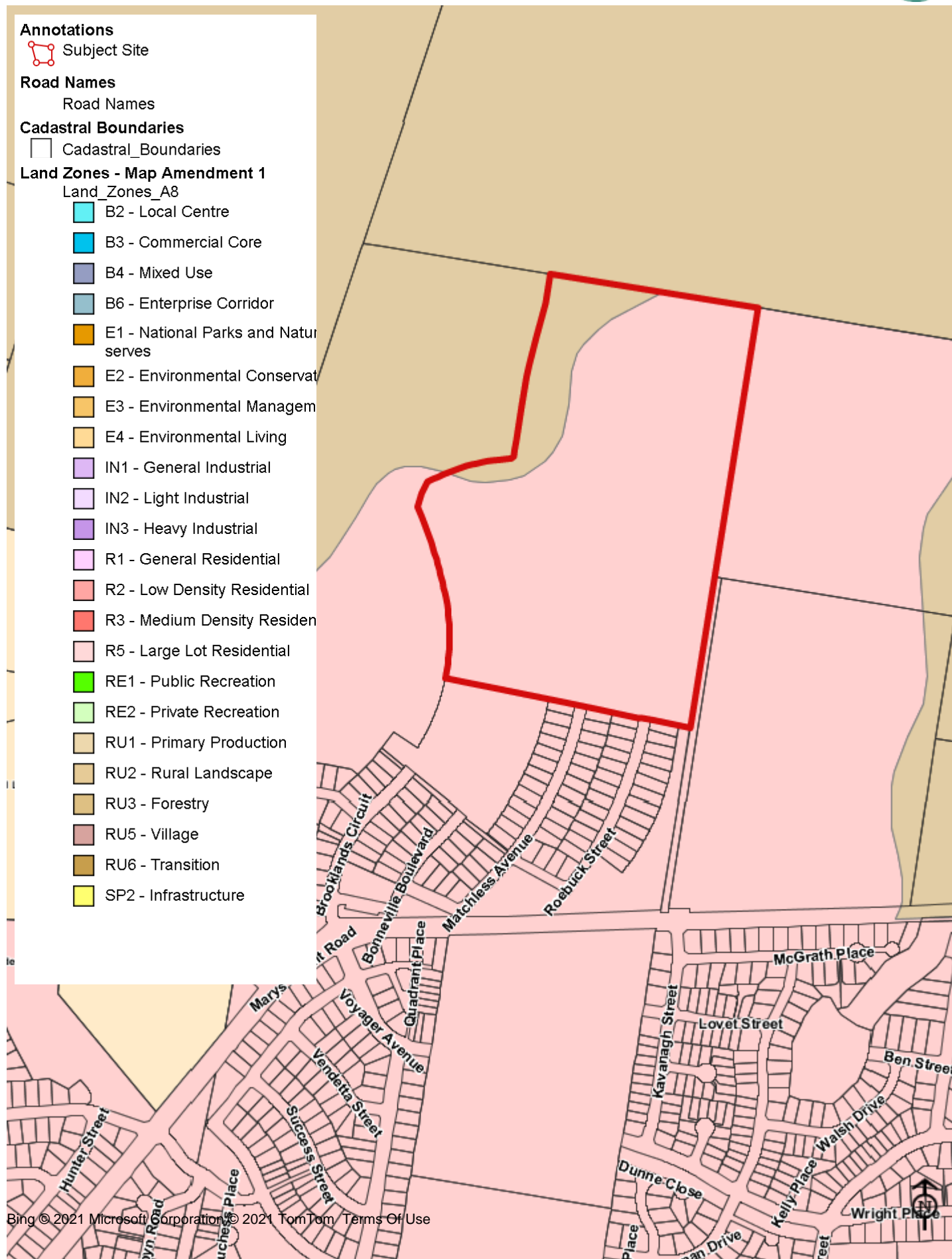
Previous Mapping on HER Maps below:



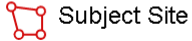
Revised Mapping on HER Map below:

Revised Schedule 5/HER ID number = I450





Annotations

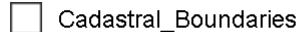


Subject Site

Road Names

Road Names

Cadastral Boundaries

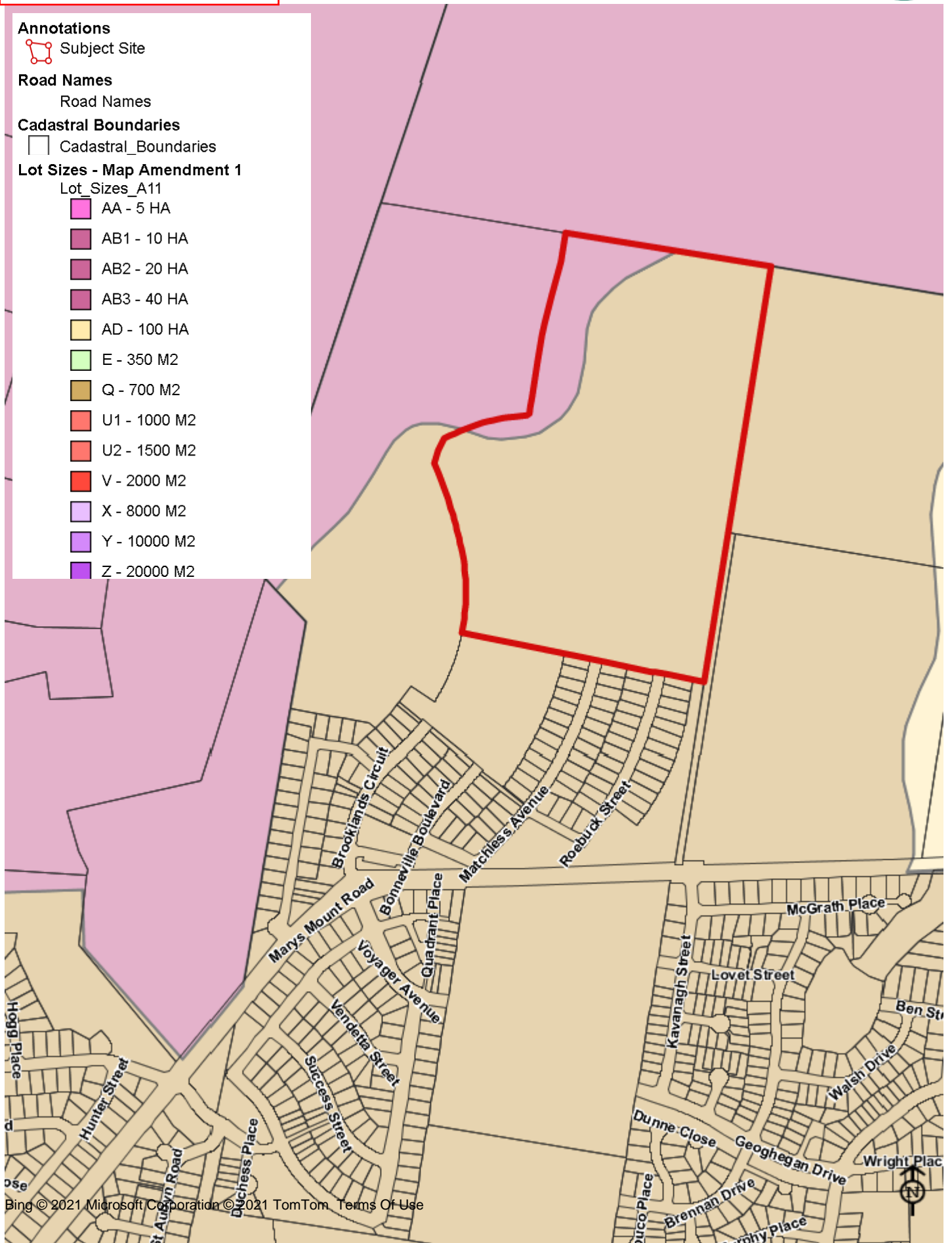


Cadastral Boundaries

Lot Sizes - Map Amendment 1

Lot_Sizes_A11

- AA - 5 HA
- AB1 - 10 HA
- AB2 - 20 HA
- AB3 - 40 HA
- AD - 100 HA
- E - 350 M2
- Q - 700 M2
- U1 - 1000 M2
- U2 - 1500 M2
- V - 2000 M2
- X - 8000 M2
- Y - 10000 M2
- Z - 20000 M2



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200 m

Scale = 7427.7

This map is provided for the purpose of showing basic locality information over the Goulburn Mulwaree Council LGA. It has been created for illustration purposes only. Locations of services and boundaries are approximate, and may not be accurate to surveying or engineering standards. Map information is subject to constant changes, may not be complete, accurate or current. The council assumes no liability for damages incurred as a result of incomplete, incorrect or omitted information.

Annotations



Subject Site-R2 Low Density Residential

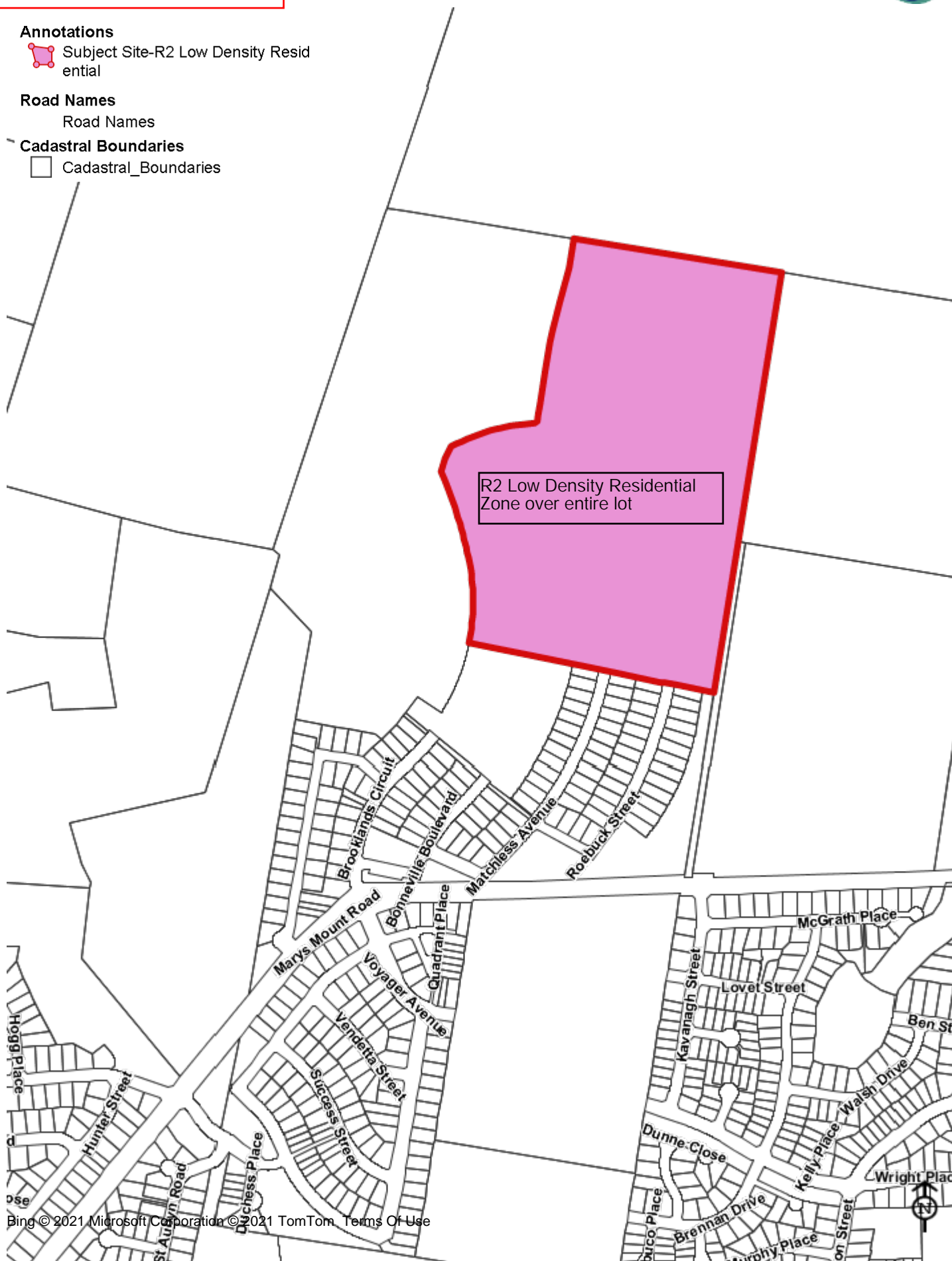
Road Names

Road Names

Cadastral Boundaries



Cadastral_Boundaries



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This map is provided for the purpose of showing basic locality information over the Goulburn Mulwaree Council LGA. It has been created for illustration purposes only. Locations of services and boundaries are approximate, and may not be accurate to surveying or engineering standards. Map information is subject to constant changes, may not be complete, accurate or current. The council assumes no liability for damages incurred as a result of incomplete, incorrect or omitted information.


Annotations

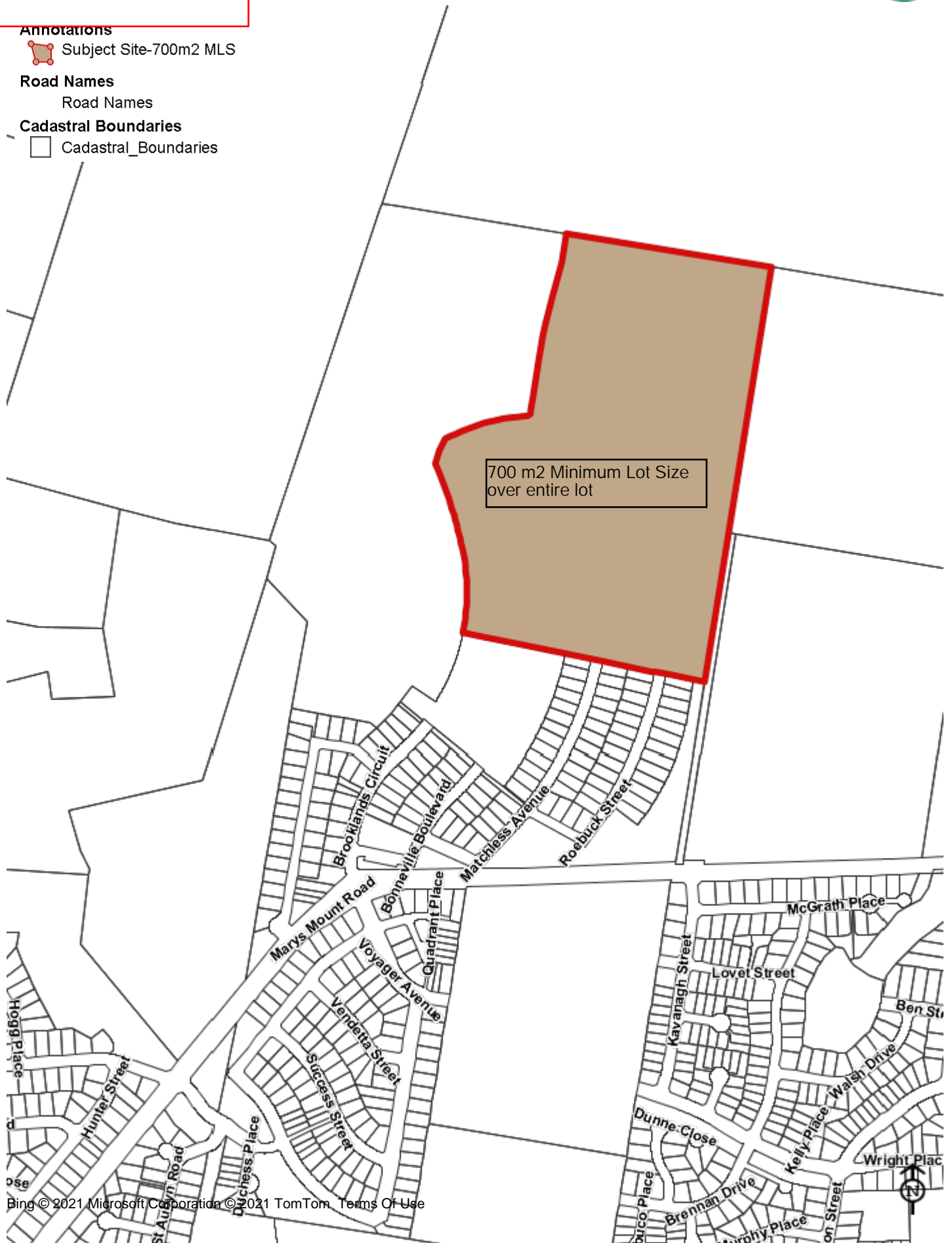
 Subject Site-700m2 MLS

Road Names

Road Names

Cadastral Boundaries

 Cadastral_Boundaries



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200 m

Scale = 7427.7

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7 September 2021

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/99051*

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Dear Mr Kiernan,

Planning Proposal to Rezone Part of Teneriffe, 133 Marys Mount Road, Goulburn, to Residential (REZ/0004/2021)

I refer to your email of 19 August 2021 seeking our initial comments on a Planning Proposal to rezone a small section of land, currently zoned RU6 Rural Transition, to R2 Low Density Residential at Teneriffe, 133 Marys Mount Road Goulburn (Lot 184, DP 1250044).

WaterNSW has no objection to the Planning Proposal proceeding.

The subject site is 22.6 ha in size and has split zoning of R2 (700m² minimum lot size (MLS)) and RU6 (20 ha MLS). The RU6 land is associated with an approved 2018 residential subdivision, where the R2 zoned land was subdivided under Torrens Title and approximately 21 lots within the RU6 zone were subdivided under Community Title to overcome the 20 ha MLS restriction that would otherwise apply to Torrens Title subdivision of the RU6 land, and ensure compliance with the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP). The GM LEP has subsequently been tightened to require Community and Strata subdivisions to also abide by the MLS requirement for land zoned RU6.

This Planning Proposal relates to Stage 2D2, being the final stage of the subdivision. As the lots within the RU6 zone are still restricted to Community title, and to avoid amending the GM LEP, the developer and applicant are now seeking for all lots to be consistently zoned R2 and to change the MLS from 20 ha to 700 m² to enable the approved lots to be registered under Torrens Title, and to avert the requirements associated with Community Title arrangements.

We note the only material change will be that the 21 lots will be able to convert to a Torrens Title arrangement, and that the proposed zoning and MLS will actually better reflect what occurs 'on the ground' in terms of the nature of development that has been approved for the site.

For the sake of completeness, WaterNSW has prepared a Strategic Land and Water Capability Assessment (SLWCA) for residential sewered development for the site (Attachment 1). This indicates that the site, and the north-western corner where the RU6 zoned land occurs, has a LOW to MODERATE risk to water quality and therefore a HIGH to MODERATE capacity for residential sewered development.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The Planning Proposal responds to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (SDWC SEPP), noting the aims of the policy and that the Proposal will not increase residential density of the subject site beyond what has already been approved. To this end, the Proposal notes that the subdivision has already met the required neutral or beneficial effect (NorBE) test on water quality and received WaterNSW concurrence on 22 January 2018. It

also reflects that the Proposal only seeks to make the zoning and MLS provisions consistent across the site. The Planning Proposal states that it is consistent with the SDWC SEPP. We agree with this conclusion.

Direction 5.2 Sydney Drinking Water Catchment

The Planning Proposal includes a response to the provisions of section 9.1 Direction 5.2 Sydney Drinking Water Catchment. The Direction requires Planning Proposals to be consistent with the SDWC SEPP, give consideration to the outcomes of any relevant SLWCA, and zoned Special Areas as stated in the Direction. No Special Areas are affected by this Proposal. Outcomes of the relevant SLWCA are provided in Attachment 1 and discussed above. The SLWCA should be included in the Planning Proposal.

With respect to the SDWC SEPP, the response to Direction 5.2 notes that WaterNSW has previously assessed the subdivision and advised that the subdivision it was capable of achieving a NorBE on water quality subject to conditions. The response notes that WaterNSW issued its concurrence on 22 January 2018 subject to conditions. The Planning Proposal should reflect that the concurrence advice was updated on 5 August 2019 to take account of modification of the subdivision into 7 stages.

For this development, all the lots and roads are serviced by large Stormwater Quality Improvement Devices (SQIDs) downstream of the lots. Those SQIDs are to be progressively built as the development proceeds. So as long as the development proceeds as currently proposed, and there no further increases in impervious area (such as from roads and houses on lots) from the rezoning then a NorBE on water quality will be able to be achieved. The response to Direction 5.2 concludes that the Planning Proposal will have no impacts on water quality. Based on the information provided, and subject to the above caveats, we agree with this conclusion.

Provided that the above comments are taken into account and the Planning Proposal process does not give rise to additional changes to the GM LEP, we believe that the Proposal does not need to be referred to us again. However, we would ask that we advised when the Proposal is publicly exhibited.

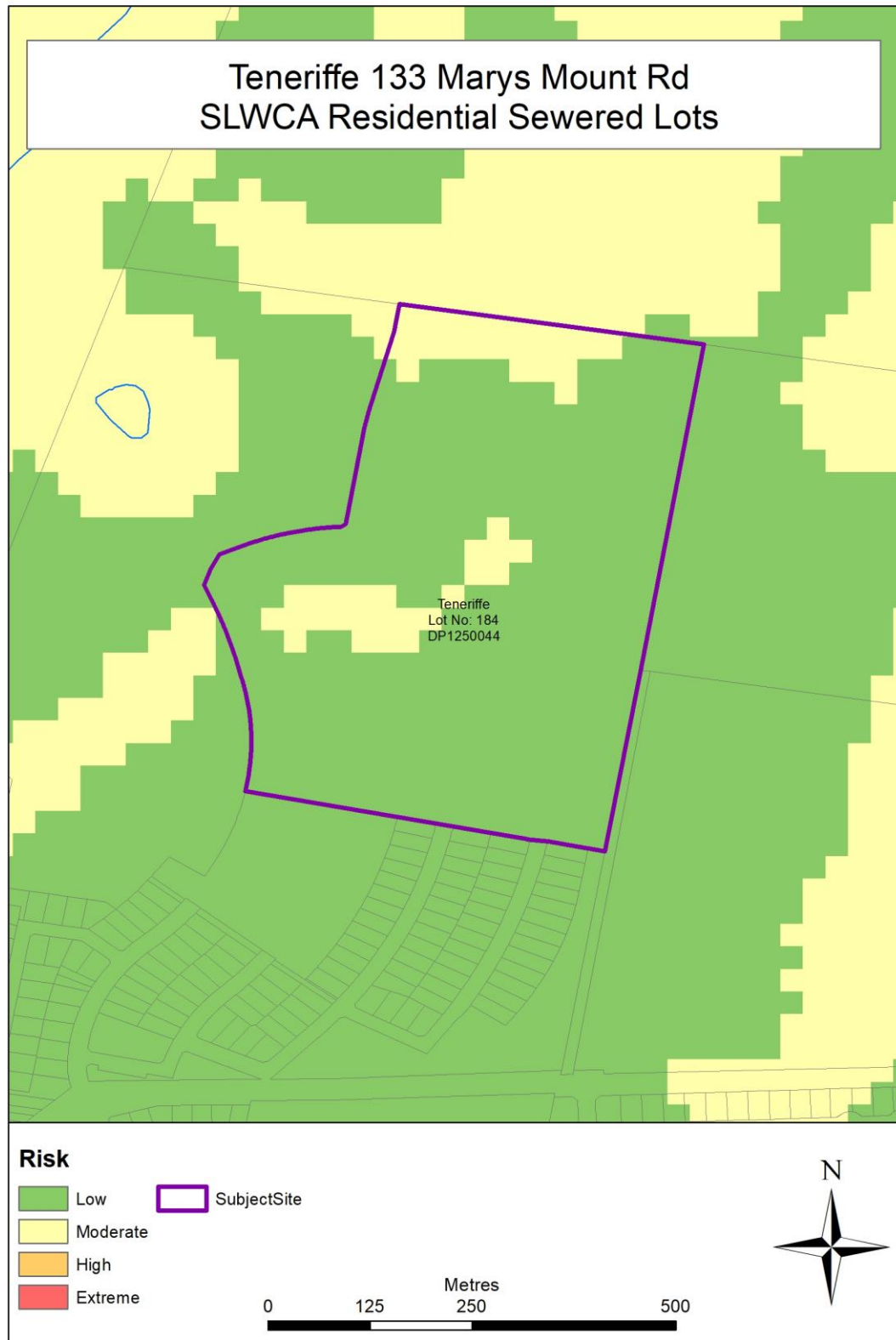
If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely



ALISON KNIHA
Catchment Protection Planning Manager

ATTACHMENT 1



Map 1. Strategic Land and Water Capability Assessment (SLWCA) for Residential Sewered Lots for Teneriffe, 133 Marys Mount Road, Goulburn.